

A meeting of the **STANDARDS COMMITTEE** will be held in **ROOM CVSO1a, CIVIC SUITE, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN** on **THURSDAY, 3 MARCH 2011** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

APOLOGIES

Contact

1. **MINUTES** (Pages 1 - 4)

**C Deller
388007**

To approve as a correct record the Minutes of the meeting held on 2nd December 2010

2. **MEMBERS' INTERESTS**

To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any agenda item – please see Notes 1 and 2 below.

3. **REPORTS OF SUB-COMMITTEES**

**C Meadowcroft
388021**

Referrals (Assessment) Sub-Committee

The Sub-Committee met on 21st December 2010 and 10th February 2011.

At the December meeting, the Sub-Committee assessed complaints involving two Members of Ramsey Town Council and one Member of Upwood and The Raveleys Parish Council. In terms of the Town Council Members, the Sub-Committee recommended that no further action be taken by the Monitoring Officer in one case but identified a clear breach of the Code of Conduct by the Councillor involved in the other. As the breach appeared to result from a misunderstanding of the Code of Conduct, the Sub-Committee recommended that the Councillor undertake training and that the opportunity also be extended to the remainder of the Town Council. This session will take place on Monday 7th March at Ramsey Town Council offices. As the conduct of the Councillor from Upwood and The Raveleys Council was not of the standard required of an elected representative he agreed to write a letter of apology to the complainant concerned.

At the meeting in February, the Sub-Committee assessed a complaint against a District Councillor and agreed that he should apologise in writing for his conduct to the complainant and that this action be reported formally to the Development Management Panel.

The Review and Consideration & Hearing Sub Committees have not met in the period since the last meeting.

4. **FUTURE OF THE LOCAL STANDARDS FRAMEWORK - UPDATE**
(Pages 5 - 10)

**C Meadowcroft
388021**

The Government set out its intention to abolish the Standards Board regime in the Coalition Agreement published in May 2010. Subsequently, the Localism Bill was introduced to Parliament on 13th December 2010. The second reading of the Bill took place in the House of Commons on 17th January 2011.

It is understood from "Standards for England" that they will cease to investigate complaints in late 2011 and will be formally abolished in early 2012.

Enclosed for the Committee's information is –

- a statement from the Department of Communities and Local Government; and
- a summary on the effect of the provisions in the Localism Bill relating to standards.

5. MEMBERSHIP OF COMMITTEE (Pages 11 - 12)

**C Meadowcroft
388021**

To consider a report by the Head of Law, Property & Governance and Monitoring Officer.

6. CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY (Pages 13 - 18)

**C Meadowcroft
388007**

Further to Minute No 30 of the last meeting, the Committee may recall that the Department for Communities & Local Government had issued a draft consultation document seeking comments on a revised Code of Recommended Practice on Local Authority Publicity. This consultation closed on 10th November 2010.

The Publicity Code provides guidance on the content, style, distribution and cost of local authority publicity. Local authorities are required by legislation to consider the Code in coming to any decision on publicity, which is defined as any communication, in whatever form, addressed to the public or a section of the public.

The Communities and Local Government Select Committee undertook a short enquiry on the draft revised Code on 6th December 2010. Their report was published on 27th January 2011. A revised Code was laid before Parliament for approval on 11th February. It is intended that the revised Publicity Code will come into force as soon as possible following a debate in each of the Houses.

A copy of the revised Code is enclosed.

7. LOG OF CODE OF CONDUCT ENQUIRIES (Pages 19 - 20)

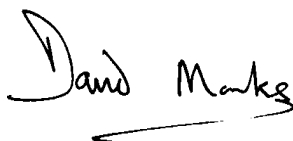
**C Meadowcroft
388007**

To note the log of code of conduct enquiries recorded by the Head of Law, Property and Governance and Monitoring Officer since the meeting held in December.

8. DATE OF NEXT MEETING

To note that the next meeting of the Committee will be held at 4pm on Thursday 7th July 2011.

Dated this 23 day of February 2011



Chief Executive

Notes

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
 - (a) *the well-being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;*
 - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
 - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or*
 - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

Please contact Ms C Deller, Democratic Services Manager, Tel No 01480 388007/e-mail: Christine.Deller@huntsdc.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee.

Specific enquires with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (under Councils and Democracy).

If you would like a translation of

Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in Room CVSO1a, Civic Suite, Pathfinder House, Huntingdon, Cambs, PE29 3TN on Thursday, 2 December 2010.

PRESENT: Mr D L Hall - Chairman

Councillors J D Ablewhite,
Mrs B E Boddington, R S Farrer,
A Hansard, T D Sanderson and
G S E Thorpe.

Messrs P Boothman, M Lynch and
G Watkins.

Mrs S Stafford

APOLOGY: An apology for absence from the meeting was submitted on behalf of Mr J Alexander

25. MINUTES

The Minutes of the meeting of the Committee held on 9th September 2010 were approved as a correct record and signed by the Chairman.

26. MEMBERS' INTERESTS

No declarations were received.

27. REPORTS OF SUB-COMMITTEES

The Committee noted reports received from the Chairmen of the Referrals (Assessment), Review and Consideration and Hearing Sub-Committees.

28. STANDARDS FOR ENGLAND - LATEST?

By reference to a press notice published by 'Standards for England' (a copy of which is appended in the Minute Book) the Monitoring Officer advised the Committee that latest reports had suggested that the Decentralisation and Localism Bill would now be published before the end of December.

In the absence, currently, of any further information, the Committee noted the content of a press statement issued by the Department of Communities and Local Government which appeared to suggest that it was the Government's intention to replace the current standards regime by making serious misconduct a criminal offence dealt with by the courts, that Councillors would be required to continue to register personal interests in publicly available registers and that there would be an enhancement of the powers of the Local Government Ombudsman.

29. STANDARDS UPDATE

Further to Minute No. 21 of the meeting held on 9th September 2010 and in view of the uncertainty around the Government's intention to legislate for the abolition of 'Standards for England', the Members' Code of Conduct and local standards committees, Members noted that the Chairman had decided to postpone the process for the appointment to the Committee of an additional town and parish council representative and that the Monitoring Officer had written to the six parish councillors who had submitted applications to thank them for the interest that they had expressed in the position.

It was further noted that an article had been included in the December edition of District Wide regarding the availability, online, of the Committee's 2009/2010 annual report (a copy of which is appended in the Minute Book).

30. CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY: CONSULTATION

The Committee was acquainted with proposals for a new Code of Recommended Practice on Local Authority Publicity which had been published for consultation by the Government on 29th September 2010 (a copy of which is appended in the Minute Book).

The Monitoring Officer reported that, regrettably, the timescale for the response to the consultation was short and that the closing date for representations had fallen outside the Committee's cycle of meetings. In terms of the structure of the proposed Code, the Committee noted that it would be under pinned by seven guiding principles which would require local authority publicity to be lawful, cost-effective, objective, even handed, appropriate, to have regard to equality and diversity and to be issued with care during periods of heightened sensitivity such as election periods. To give effect to the Government's commitment to stop perceived and unfair competition by local authority newspapers, Members noted that the proposed Code also would contain specific guidance on the frequency, content and appearance of local authority newspapers or magazines. In this respect, the Code proposed that these newspapers or magazines should not appear more frequently than once a quarter, should only include material that is directly related to the business, services or amenities of the authority or other local service providers and that they should be clearly marked as being published by the local authority. It was also understood that the Code proposed to prohibit the use of lobbyists where their expenditure was intended to influence local people on political issues.

Having noted the consultation document and the response to it by the Association of Council Secretaries and Solicitors, the Committee

RESOLVED

that no objections be raised to the principles of the new Code of Recommended Practice on Local Authority Publicity.

31. LOG OF CODE OF CONDUCT ENQUIRIES

The Committee received and noted the code of conduct enquiries which had been recorded by the Head of Law, Property and Governance and the Monitoring Officer since the last meeting in September 2010 (an extract of the log is appended in the Minute Book). The Committee was reminded that the area of the code which continued to cause the most concern related to the declaration of personal and prejudicial interests.

32. DUAL HATTED MEMBERS AND THE CODE OF CONDUCT

The Committee noted the content of guidance recently published by 'Standards for England' on dual hatted Members (a copy of which is appended in the Minute Book).

33. 'STANDARDS FOR ENGLAND': CASE REVIEW 2010

The Monitoring Officer reported that 'Standards for England' had prepared a new edition of its case review which could be accessed from their website using a link which had been circulated to Members. Members further understood that 'Standards for England' would not be distributing a printed version but that the publication would be available to download from their website shortly. The latest edition also included links to the decisions that had been made by the First Tier Tribunal.

34. SUMMARIES OF RECENTLY COMPLETED INVESTIGATIONS

For training purposes, the Committee noted a case summary involving North Tynecastle Council recently published by 'Standards for England' and one which had been determined by the First Tier Tribunal General Regulatory Chamber (copies of both cases are appended in the Minute Book).

35. DATE OF NEXT MEETING

It was noted that the next meeting of the Committee would be held at 4pm on Thursday 3rd March 2011.

Chairman

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Abolition of the Standards Board regime

The Standards Board regime

The Coalition Agreement *Our Programme for Government* included the commitment to “abolish the Standards Board regime”.

The Government considers that the Standards Board regime, consisting of a centrally prescribed model code of conduct, standards committees with the power to suspend a local authority member and regulated by a central quango was inconsistent with the principles of localism. In addition there is a concern that the regime is a vehicle for vexatious or politically motivated complaints.

The Government considers that it is the right and the responsibility of the electorate to determine who represents them and that the abolition of the regime will restore power to local people.

Accordingly, given the interdependencies of the bodies, requirements and guidance that constitute the Standards Board regime, the Government is proposing to abolish the regime in its entirety.

Subject to Parliament approving the necessary legislation, the changes are as follows:

- The Relevant Authorities (General Principles) Order 2001, which sets out the principles which govern the conduct of members and co-opted members of relevant authorities in England and police authorities in Wales, will be revoked.
- The Local Authorities (Model Code of Conduct) Order 2007 (S.I 2007/1159) which prescribes the model code of conduct to apply to members of relevant authorities, will be revoked.
- The requirement for local authorities to have standards committees will be abolished.
- Standards for England (formally known as the Standards Board for England) will be abolished. Established by the Local Government Act 2000 and the regulator for local authority standards committees, the Standards Board requires primary legislation to abolish it and its legislative functions. None of the Standards Boards functions will be transferred to other bodies.

- The First-tier Tribunal (Local Government Standards in England), the independent judicial tribunal established as a disciplinary body to hear and determine references and appeals concerning the conduct of local authority councillors, will lose its jurisdiction over the conduct of local authority members.

It is intended to effect the abolition of the Standards Board regime through the Localism Bill. It is anticipated that the Bill will be laid before Parliament in December and will receive Royal Assent late-2011.

The present conduct regime (a model code governing local authority members' conduct and enforced through local authority standards committees, regulated in turn by the Standards Board for England), will continue to function in a normal manner, considering, investigating and determining allegations of misconduct, until a fixed date ("the appointed day"), probably two months after the Bill receives Royal Assent.

This means that until the appointed day, an allegation of misconduct can be made; after the appointed day, no further allegations of misconduct can be made under the standards board regime. It also means that at the appointed day, allegations will be in the process of investigation and, further, that appeals against sanctions will be pending. Transitional measures will be put in place to address this.

Proposed transitional measures

Any cases in the system at the appointed day will make their way through a transitional regime. This would meet the expectation of those who had made allegations that their allegations would be properly dealt with. It also enables that if a member has an allegation made against them, they should have the opportunity to clear their name.

The Government propose that any investigations being undertaken by Standards for England transfer, on the appointed day, to the local authority that referred the investigation. It will be for that local authority to arrange for the conclusion of the investigation. The local authority's standards committee will remain established until the last complaint it is considering, referred either internally or from Standards for England, has been dealt with.

Any cases with which the First-tier Tribunal (Local Government Standards in England) is dealing on the appointed day will be concluded by that tribunal. It will not receive any appeals against standards committee rulings after that date.

The right of appeal will not exist for those cases standards committees deal with as they work their way through the transitional system. The Government considers that the risk of protracted proceedings justifies this approach. The sanctions available to standards committees are significantly less severe than the sanctions available to the First-tier Tribunal (Local Government Standards in England).

Further, the Government propose that the suspension sanction is removed from standards committees for the transitional period. Hence the most a standards

committee could do is, for instance, to issue a councillor with a censure or a request that they undergo training.

The conduct regime in a post-Standards Board world

The Government is committed to maintaining high standards of conduct in office and will ensure that, in the absence of a statutory code of conduct, councillors do not abuse their office for personal gain by putting their personal interests before those of the general community or local area that they represent. Members will be required to continue to register and declare personal interests and will not be allowed to use their position improperly for personal gain. The Government intend that wilful failure to comply with these requirements will constitute a criminal offence.

The requirement for local authorities to adopt a model code of conduct and for local authority members to abide by that code will be abolished. However, local authorities will be free to adopt their own, voluntary code of conduct should they so wish.

The requirement to maintain a standards committee will be abolished. However, local authorities will be free, should they choose, to establish voluntary standards committees to consider complaints about the conduct of elected and co-opted members. Such committees will, according to councils' local constitutions, be able to censure but will not be able to suspend or disqualify members from council membership.

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Localism Bill A brief summary of Chapter 5: Standards

1. The main provisions for the abolition of the standards regime are contained in Chapter 5 of the Localism Bill introduced into Parliament on 14 December 2010. Further provisions are set out in Schedules 4 and 24.
2. The Bill abolishes the standards regime overseen by the Standards Board for England, including the Model Code of Conduct for members of relevant local authorities in England and their standards committees. The abolition arrangements also affect the First-tier Tribunal (Local Government Standards in England) under the jurisdiction of the Ministry of Justice because the Tribunal will receive no further cases after those that it is already dealing with on the abolition date have been determined.
3. Authorities will be under a duty to promote high standards of conduct. The new arrangements for standards to help them comply with this duty will in part be voluntary, and in part mandatory, with criminal sanctions where certain interests are concerned. The Bill also makes provision for transitional arrangements regarding the Standards Board and ongoing cases.
4. The Standards Board for England will no longer exist and none of its functions will transfer to any other body. There will no longer be a requirement for relevant authorities to adopt a code of conduct for their members or to appoint standards committees, and there will be no mandatory enforceable code of conduct for members that they have to undertake to follow when they take up office (i.e. elected or appointed).
5. The relevant authorities that will be affected by the abolition of the current regime and the new arrangements cover 'relevant authorities'. These include authorities other than local councils - for example, police authorities in England and Wales until they are abolished (subject to the current Police Reform and Social Responsibility Bill being passed by Parliament). Relevant authorities will continue to include Parish Councils, but they will be responsible for their own standards instead of the relevant district or county authority.
6. Matters relating to standards will be the function, i.e. responsibility, of the relevant authorities but no function can be delegated to an executive (sometimes referred to locally as a cabinet), and the adoption of a voluntary code must be done by the authority as a whole.
7. There will still be a requirement, expressed as a duty, to promote high standards of conduct, but this will now be the function of the authority and not standards committees.
8. The duty and any voluntary arrangements adopted by an authority still only apply to members of authorities who can vote. This means that voting co-opted members will be covered by any new arrangements, but non-voting co-opted members will not.
9. Relevant authorities can create a voluntary code either by revising an existing code or adopting a code to replace an existing one. Because the code is voluntary, an authority can also withdraw an existing code without replacement. The authority can publicise what it has done about the code as it sees fit.

10. Where an authority has adopted a code, it can put in place any procedure it wishes to deal with complaints and take any action it sees fit, although this may exclude suspension or disqualification as these sanctions are expressly forbidden by provisions relating to how the council deals with failure to register or declare interests.
11. The arrangements regarding interests and criminal sanctions will be dealt with by way of Regulations issued by the Secretary of State, and the main requirement to maintain a register will remain with the monitoring officer for authorities which have monitoring officers. Although the Bill allows a specified person in parish councils to be responsible for maintaining a register, it may be that the regulations could specify that this responsibility will remain with monitoring officers for parish councils in their area.
12. The Regulations will be able to specify –
 - The interests to be registered
 - The requirements for disclosure
 - Participation in decision-making
 - Dispensations
 - Sanctions (but these cannot include suspension or disqualification) and
 - Access and publicity arrangements for a register.
13. Prosecutions in relation to interests can only be brought with the consent of the DPP. Offences can only be dealt with in the Magistrates Court, and will relate to:
 - a failure to register without reasonable excuse;
 - a failure to disclose without reasonable excuse; and
 - taking part in relevant authority business (which could be wider than taking part in formal meetings).
13. Sanctions available to the court on conviction are
 - A fine, the current maximum for which is £5,000
 - Disqualification for up to 5 years from any relevant authority or from standing or becoming a member.
 - The time limit for prosecutions is 12 months from when the prosecutor decides there is sufficient evidence to support a case, but no later than 3 years from when the offence occurred.
14. The transitional provisions will be made by secondary legislation and are referred to mainly in Part 2 of Schedule 4. Part 1 consists of amendments of specific legislation which mentions the Standards Board. Transitional provisions refer to property and assets of the Standards Board and arrangements for cases.
15. There is still much to be made clear on how some of these matters are to be dealt with in practice and how they link with existing legislation and the general law, particularly in relation to misconduct cases decided before the LGA 2000 came into force.

MEMBERSHIP OF COMMITTEE
(Report by the Head of Law, Property and Governance
and Monitoring Officer)

1. INTRODUCTION

- 1.1 The Relevant Authorities (Standards Committee) Regulations 2001 described the size and composition of Standards Committees and the process through which Independent Members should be appointed.
- 1.2 Under these Regulations, the Council appointed three Independent Members and two Town and Parish Council representatives to serve on its Standards Committee.

2. CURRENT SITUATION

- 2.1 As a result of the 2008 Regulations, which provided for the initial assessment of allegations of Members' misconduct to be transferred to local authority Standards Committees, the Council agreed that an additional Independent Member and Parish Council representative be appointed to provide some flexibility in the process and ease the burden placed on the existing Members.
- 2.2 Accordingly, there are now four Independent Members and three Parish Council representatives (one parish council vacancy) serving on the Committee.
- 2.3 Following public advertisement, Independent Members are appointed to serve on the Committee for a term of four years from the date of their appointment. Until recently, the Cambridgeshire and Peterborough Association of Local Councils has been invited to nominate town and parish council representatives and their nominees also have been appointed to serve on the Committee for a four year period.
- 2.4 Accordingly, the terms of office of both Independent Members and Parish Council representatives are due to expire in May 2011.

3. INTERIM ARRANGEMENTS

- 3.1 Although not as detailed as anticipated, the Localism Bill appears to suggest that local authorities will be able to decide whether to establish Standards Committees to continue to consider complaints of misconduct and to monitor compliance with a locally approved Code of Conduct. Uncertainty will remain until the Act is made. However and until the District Council takes a view as to how or if it wishes to maintain a Standards Committee, it would, perhaps, be premature to undertake a recruitment process for the appointment of Independent Members and Parish Council representatives for a new four-year period.
- 3.2 Subject to the agreement of the current incumbents, Messrs Hall, Boothman, Lynch and Mrs Stafford – Independent Members and

Messrs Alexander and Watkins (plus one vacancy) – Parish Council representatives, the Committee is requested to **recommend** the Council to extend the period of office of all externally appointed Members until May 2012 or until such time as the District Council takes a view on the future of the Committee whichever is the sooner.

4. CONCLUSION

- 4.1 The views of the Committee are invited.

BACKGROUND INFORMATION

Relevant Authorities (Standards Committee) Regulations 2001.
Standards Committee (England) Regulations 2008.
Article 9 – Standards Committee: District Council's Constitution.

**Contact Officer: Christine Deller, Democratic Services Manager -
Tel: (01480) 388007.**

Draft Code of Practice laid before Parliament under section 4(5) of the Local Government Act 1986, for approval by resolution of each House of Parliament.

THE CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY

Introduction

1. This code applies to all local authorities in England specified in section 6 of the Local Government Act 1986 and to other authorities in England which have that provision applied to them by other legislation. Where the term “local authorities” is used in this code it should be taken as referring to both those categories of authority. References to “the Act” are to the Local Government Act 1986.
2. Local authorities are required by section 4(1) of the Act to have regard to the contents of this code in coming to any decision on publicity. Section 6 of the Act defines publicity as “any communication in whatever form, addressed to the public at large or a section of the public”. The code therefore applies in relation to all decisions by local authorities relating to paid advertising and leaflet campaigns, publication of free newspapers and newsheets and maintenance of websites – including the hosting of material which is created by third parties.
3. Nothing in this code overrides the prohibition by section 2 of the Act on the publication by local authorities of material which in whole or in part appears to be designed to affect public support for a political party. Paragraphs 21 to 24 offer some guidance for local authorities on the management of publicity which may contain or have links to party political material.

Principles

4. Publicity by local authorities should:-
 - be lawful
 - be cost-effective
 - be objective
 - be even-handed
 - be appropriate
 - have regard to equality and diversity
 - be issued with care during periods of heightened sensitivity

Lawfulness

5. Local authorities should ensure that publicity complies with all applicable statutory provisions. Paid-for advertising must comply with the Advertising Standards Authority’s Advertising Codes.

6. Part 3 of the Communications Act 2003 prohibits political advertising on television or radio. Local authorities must ensure that their publicity does not breach these restrictions.
7. Section 125 of the Political Parties, Elections and Referendums Act 2000 places a specific restriction on the publication by a local authority of material relating to a referendum under Part 7 of that Act, during the period of 28 days immediately before the referendum is held.
8. Regulation 5 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089) prohibits local authorities from publishing material in the 28 days immediately before a referendum which expresses support for, or opposition to a particular answer to a referendum question relating to the constitutional arrangements of the authority.
9. Regulation 15 of the Local Authorities (Referendums, Petitions and Directions) (England) Regulations 2000 (S.I. 2000/2852) prohibits local authorities from incurring expenditure to publish material which appears designed to influence people in deciding whether or not to sign a petition relating to the constitutional arrangements of the authority, or to assist others to publish such material.

Cost-effectiveness

10. In relation to all publicity, local authorities should be able to confirm that consideration has been given to the value for money that is being achieved, including taking into account any loss of potential revenue arising from the use of local authority-owned facilities to host authority publicity.
11. In some circumstances it will be difficult to quantify value for money, for example where the publicity promotes a local amenity which is free to use. In such a case authorities should be able to show that they have given thought to alternative means of promoting the amenity and satisfied themselves that the means of publicity chosen is the most appropriate.
12. If another public authority, such as central government, has issued publicity on a particular topic, local authorities should incur expenditure on issuing publicity on the same matter only if they consider that additional value is achieved by the duplication of that publicity. Additional value might be achieved if locally produced publicity gives a local context to national issues.
13. The purchase of advertising space should not be used as a method of subsidising voluntary, public or commercial organisations.
14. Local authorities should consider whether it is appropriate to seek advice from economic analysts, public relations experts or other sources of expert advice before embarking on a publicity campaign involving very large expenditure.

Objectivity

15. Local authorities should ensure that publicity relating to policies and proposals from central government is balanced and factually accurate. Such publicity may set out the local authority's views and reasons for holding those views, but should avoid anything likely to be perceived by readers as constituting a political statement, or being a commentary on contentious areas of public policy.
16. Any publicity describing the council's policies and aims should be as objective as possible, concentrating on the facts or explanation or both. Local 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. It is acceptable for local authority publicity to correct erroneous material which has been published by other parties, despite the fact that the material being corrected may have been published with the intention of influencing the public's opinions about the policies of the authority. Such publicity should seek to explain the facts in an objective manner.
17. Where paid-for advertising is used by local authorities, it should be clearly identified as being advertising. Paid-for advertising, including advertisements for the recruitment of staff, should not be used in any publication owned or controlled by a political party.
18. Advertisements for the recruitment of staff should reflect the tradition of political impartiality of local authority employees and should not (except in the case of advertisements relating to the appointment of staff pursuant to section 9 of the Local Government and Housing Act 1989 (assistants for political groups)) refer to any political activities or affiliations of candidates.

Even-handedness

19. Where local authority publicity addresses matters of political controversy it should seek to present the different positions in relation to the issue in question in a fair manner.
20. Other than in the circumstances described in paragraph 34 of this code, it is acceptable for local authorities to publicise the work done by individual members of the authority, and to present the views of those individuals on local issues. This might be appropriate, for example, when one councillor has been the "face" of a particular campaign. If views expressed by or attributed to individual councillors do not reflect the views of the local authority itself, such publicity should make this fact clear.
21. It is acceptable for local authorities to host publicity prepared by third parties – for example an authority may host a blog authored by members of the authority or a public forum on which members of the public may leave comments. Maintenance by a local authority of a website permitting the posting of material by third parties constitutes a continuing act of publication

by that local authority which must accordingly have a system for moderating and removing any unacceptable material.

22. It is generally acceptable for local authorities to host publicity, such as a blog, which itself contains links to external sites over which the local authority has no control where the content of those sites would not itself comply with this code. This does not amount to giving assistance to any person for the publication of material which local authorities are not permitted to publish. However, particular care must be taken by local authorities during the period before elections and referendums to ensure that no breach of any legal restriction takes place. It may be necessary to suspend the hosting of material produced by third parties or public forums which contain links to impermissible material during such periods.
23. It is acceptable for publicity containing material prepared by third parties and hosted by local authorities to include logos of political parties or other organisations with which the third parties are associated.
24. It is acceptable for publicity produced or hosted by local authorities to include a logo associated with a particular member of the authority, such as a directly elected mayor, or leader of the authority. Publicity material produced by local authorities relating to a particular member must not seek to affect public support for that individual.
25. Where local authorities provide assistance to third parties to issue publicity they should ensure that the principles in this code are adhered to by the recipients of that assistance.

Appropriate use of publicity

26. Local authorities should not incur any expenditure in retaining the services of lobbyists for the purpose of the publication of any material designed to influence public officials, Members of Parliament, political parties or the Government to take a particular view on any issue.
27. Local authorities should not incur expenditure on providing stands or displays at conferences of political parties for the purpose of publicity designed to influence members of political parties to take a particular view on any issue.
28. Local authorities should not publish or incur expenditure in commissioning in hard copy or on any website, newsletters, newsheets or similar communications which seek to emulate commercial newspapers in style or content. Where local authorities do commission or publish newsletters, newsheets or similar communications, they should not issue them more frequently than quarterly, apart from parish councils which should not issue them more frequently than monthly. Such communications should not include material other than information for the public about the business, services and amenities of the council or other local service providers.

29. Publicity about local authorities and the services they provide should be freely available to anyone who wishes to receive such information in a format readily accessible and understandable by the person making the request or by any particular group for which services are provided.
30. All local authority publicity should clearly and unambiguously identify itself as a product of the local authority. Printed material, including any newsletters, newsheets or similar publications published by the local authority, should do this on the front page of the publication.

Equality and diversity etc

31. Publicity by local authorities may seek to influence (in accordance with the relevant law and in a way which they consider positive) the attitudes of local people or public behaviour in relation to matters of health, safety, crime prevention, race relations, equality, diversity and community issues.
32. Local authorities should consider how any publicity they issue can contribute to the promotion of any duties applicable to them in relation to the elimination of discrimination, the advancement of equality and the fostering of good relations.

Care during periods of heightened sensitivity

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

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**EXTRACT FROM LOG OF CODE OF CONDUCT ENQUIRIES:
DECEMBER 2010 ONWARDS**

Case No.	Date of Enquiry	District/Town/Parish Council	Nature of Enquiry (Brief Details)	Advice Given (Brief Details)	Code of Conduct Reference (Para No.)
80	14.01.11		Enquiry from District Councillor regarding the interest he should declare in connection with a planning application.	As the Councillor's employer was only a consultee (and not an applicant) for planning consent, the Councillor would only be required to declare a personal interest. He still would be entitled to speak and vote on the item. (CM)	8, 9
81	17.02.11		Enquiry from District Councillor regarding the interest he should declare in connection with a proposal being considered by a Town Council, of which he also is a Member. The Council was to consider whether to support the opening of public conveniences in the town for which funding had been withdrawn by the District Council.	The Councillor was advised that he had a personal interest as a Member of the District Council as the interest affected the financial position of the District Council. As the Councillor also is a Member of the Executive it was the view that the interest he held was greater than anyone else's at the District Council and given the views he had previously expressed on the matter, a member of the public could reasonably consider the interest to be significant. The interest was therefore considered to be personal and prejudicial. (RR)	8. 9. 10. 12(2)

