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NORTH LINCOLNSHIRE COUNCIL

GOVERNANCE SCRUTINY PANEL

17 November 2022

Chairman: Councillor David Robinson **Venue:** Room F36, Church Square House, Scunthorpe

Time: 2.00 pm (approx.)
(on the rising of the previous meeting) **E-Mail Address:** matthew.nundy@northlincs.gov.uk

AGENDA

1. Substitutions.
2. Declarations of disclosable pecuniary interests and personal or personal and prejudicial interests and declarations of whipping arrangements (if any).
3. Public speaking requests, if any.
4. Draft North Lincolnshire Council Media Relations and Publicity Management Policy
 - (a) Standards Committee Hearing Panel minutes - 6 May 2022 (Pages 1 - 2)
 - (b) Standards Committee Perspective (Pages 3 - 4)
 - (c) Communications Team Perspective (Pages 5 - 6)
 - (d) Draft North Lincolnshire Council Media Relations and Publicity Management Policy (Pages 7 - 20)
5. Added item, if any.
6. Any other items that the Chairman decides are urgent by reason of special circumstances that must be specified.

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**NORTH LINCOLNSHIRE COUNCIL
STANDARDS COMMITTEE (HEARING PANEL)**

6 May 2022

PRESENT: -

Cllr N Poole, Cllr D Wells, Cllr C O'Sullivan and R Johnson (Independent Person)

The meeting was held at the Church Square House, High Street, Scunthorpe.

403 DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL AND PERSONAL AND PREJUDICIAL (IF ANY).

There were no declarations of disclosable pecuniary interests and personal and personal and prejudicial interests.

404 TO CONSIDER THE FINDINGS OF THE INVESTIGATING OFFICER (BRIEF SUMMARY BY THE MONITORING OFFICER) INTO AN ALLEGATION THAT TWO MEMBERS OF NORTH LINCOLNSHIRE COUNCIL BREACHED THE CODE OF CONDUCT

Resolved – (c) that the Panel recommends that the relevant Publicity and Media Relations Policy be updated as soon as practicable and the updated draft policy be referred to a future meeting of the Governance Scrutiny Panel for consultation, prior to consideration by the Executive

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PUBLICITY AND MEDIA RELATIONS POLICY

STANDARDS COMMITTEE PERSPECTIVE

- (i) What was the rationale behind the recommendation from the Standards Committee (Hearings Panel) to review the Media and Publicity Policy

The Panel wanted to ensure that an updated policy was in place so that all members, particularly those new into office, had a policy that they could turn to for guidance. The build-up to local elections was seen as a period where such guidance would prove particularly beneficial to members especially during the period of heightened sensitivity ('purdah'). Also, it was felt that the revised policy should strongly reference the Code of Recommended Practice on Local Authority Publicity, which is cross referenced in the members' Code of Conduct and Constitution.

- (ii) Any panel recommendations raised by the Standards Committee members.

The recommendation made by the Panel is as reflected in the minutes of the Standards Hearing panel, as recently received by Council (6 May 2022).

- (iii) What is the volume and frequency of 'standards' complaints regarding potential Media breaches (broadly over recent years)?

In the last 2 years there have been three complaints over ward correspondence, which it has been alleged breached the Code of Recommended Practice on Local Authority Publicity.

- (iv) Why, specifically, was the Governance Scrutiny Panel referred to in the decision of the Standards Committee?

The reference to the Governance Scrutiny Panel was made to enable there to be a cross party opportunity for the draft policy to be considered before being referred to the Executive for consideration. The Standards Hearing Panel made this referral unanimously.

- (v) Additional concerns (if any)

The overriding motive of the Panel was to ensure that a policy was in place to assist and guide all members to help mitigate any further complaints.

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PUBLICITY AND MEDIA RELATIONS POLICY

COMMUNICATIONS TEAM PERSPECTIVE

- (i) When was the policy last reviewed?
- In late 2018 a number of instances where publicity was generated occurred whereby inclusion/non-inclusion of ward members was contested
 - It was found that no such guidance existed to aid officers and members in best practice
 - The current Media Relation and Publicity Management Protocol was developed by the communications and marketing function with support from democratic services
- (ii) What were the perceived shortfalls in 2019 arrangements.
- Too prescriptive in many ways
 - Not clear as to when and how to involve ward members
 - Did not codify a robust complaint triaging process
- (iii) Current Media applications within scope (Facebook, website etc)
- Being specific about channels and platforms in scope would be too specific and almost inevitable become outdated as new channels and platforms come to market or become accessible (such as direct emails, text messaging, tiktok, snapchat, community newsletters (e.g Crowle and Ealand Arrow)
 - The central marketing and communications team utilise all the available channels and platforms as appropriate to the target audiences, Snapchat as an example to target younger people
 - Its more appropriate to think of this as being applicable to the legal definition of publicity referenced in section 1.1: "The policy applies to all officers and elected members when delivering any communication, in whatever form, addressed to the public at large or to a section of the public." ergo the policy is agnostic as to channel or platforms utilised as the method of communication.
- (iv) Member access and participation in media arrangements, currently.
- We already adhere to principles and guidance within the protocol and all publicity matters adhere to the guidance through the Local Authority Code of Recommended Practice.
- (v) Arrangements for consideration of Member concerns and queries, currently.
- First point of call is complaint to chief executive or as standards matter currently - immediately formally raising matters.

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NORTH LINCOLNSHIRE COUNCIL

GOVERNANCE SCRUTINY PANEL

MEDIA RELATIONS AND PUBLICITY MANAGEMENT

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To consider and approve the Publicity and Media Relations Policy.

2. BACKGROUND INFORMATION

- 2.1 The council manages and maintains positive working relationships with a range of media outlets, both traditional and new, to ensure appropriate publicity is achieved to inform, educate, promote, motivate and reassure residents in relation to its policies, procedures and practices.
- 2.2 The council also shares a broad range of content across its own channels to the same ends.
- 2.3 A large body of information, advice and guidance along with codes of conduct and statute exists to assist the council, officers and members, as to how they can and should operate safely and in an assured way while protecting the sanctity of the democratic mandate and ensuring trust and confidence in the organisation is not eroded.
- 2.4 The Council's Publicity & Media Relations Protocol, developed in April 2019, captures the breadth of this information and combines it with good practice advice and guidance explicitly to support members and officers to operate safely when seeking to generate publicity.
- 2.5 Good practice dictates this be periodically reviewed.
- 2.6 Benchmarking and comparisons have been made with other local authorities and the LGA to strengthen the policy and develop a clear, robust and transparent process by which complaints can be reported, considered and where necessary elevated further.
- 2.7 This paper proposes to adopt the revised and updated Publicity and Media Relations Guidance.

3. OPTIONS FOR CONSIDERATION

3.1 Option 1 – Do nothing

3.2 Option 2 – Approve the Policy attached at Appendix 1.

4. ANALYSIS OF OPTIONS

4.1 Option 1 – The current protocol is assistive but needs strengthening to ensure it is robust and current.

4.2 Option 2 – Approving the policy would establish much clearer governance, assisting to remove any ambiguity and assist in any external challenge.

5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)

5.1 The cost of implementing the policy will be contained within existing budgets.

5.2 New and additional measures will be applicable to officers and members so a process of engagement and liaison will need to be undertaken.

6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)

6.1 There are no other relevant implications.

7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

7.1 An integrated impact assessment has not been carried out.

8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

8.1 Engagement will be undertaken upon approval of the policy.

8.2 There are no conflicts of interests associated with this report.

9. RECOMMENDATIONS

9.1 That the recommended policy be approved.

DEPUTY CHIEF EXECUTIVE

Church Square House
Scunthorpe
North Lincolnshire
DN15 6NR
Author: Adam Lovell
Date: 6 October 2022

Background Papers used in the preparation of this report

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Publicity and Media Relations Policy (DRAFT)

Revised Version 2022

1.0 Publicity and Media Relations Policy

1.1 Purpose

To establish the governance arrangements and responsibilities upon officers and members of North Lincolnshire Council ('the council') in relation to:

- Publicity and the use of resources to that end,
- The management of the professional relationships, working practices and operational activity between the council and media organisations.

The policy details practices regarding publicity, recognises specifically the run-up to elections, details the restrictions which affect the use of council resources and codifies the formal procedure for dealing with complaints.

The policy applies to all officers and elected members when delivering any communication, in whatever form, addressed to the public at large or to a section of the public. This includes when representing the Council on outside bodies, with partnership organisations and content shared on Council social media accounts.

1.2 Rationale

Ensuring a consistent approach is taken enables the delivery of effective, efficient and legal publicity. Good publicity plays a crucial role in ensuring existing and potential residents, partners, customers, visitors, and stakeholders are well-informed about the council and its products and services.

Good publicity also drives engagement, ensuring the council more-effectively involves residents in local decision-making. This, in turn, means public services are shaped appropriately and the council is better enabled to achieve the Council Plan.

A professional marketing and communications function is an essential part of delivering this and recognises good communication, alongside policy, regulation, taxation, and spending, as one of the five main levers of local government.

The council has vast, and growing, reach. The many interconnected professional relationships between officers, members, partners, and residents are extended further by the various mechanisms, channels and platforms available to share information and receive feedback.

The council recognises the importance of the media's role in assisting to communicate with communities and is committed to developing and maintaining positive and productive working relationships with the media locally, regionally and nationally.

Media organisations and their representatives are inclusive of broadcasters (television, radio, podcast), printed media (newspaper, magazine, specialist publications) and digital publishers (websites, blogs and social media).

When speaking to the media on behalf of the council, official spokespeople, such as members and officers, must reflect the council's position in relation to all issues.

Good publicity is guided by the following principles:

- Protect the reputation of, and build further trust and confidence in, the council.
- Enhance the relationship between the council and communities of North Lincolnshire.
- Enable changing behaviours for the benefit of residents.
- Explain, and support the delivery of, council policies and programmes.
- Inform, educate, promote, motivate and reassure.

2.0 Legal and Policy Context

2.1 Local Government Act

Specific legislation exists governing the publicity activities of local authorities through the Local Government Act 1986 (the Act). Local authorities are required by Section 4(1) of the Act to have regard to the contents of the Code of Recommended Practice on Local Authority Publicity (Publicity Code).

The Act and the Publicity Code apply to officers and members and consideration should be given to both at all times in making any decisions in relation to publicity.

Publicity is defined by the Act as “any communication, in whatever form, addressed to the public at large or to a section of the public”.

Part II of the Act states: “A local council shall not publish, or arrange for the publication of, any material which, in whole or in part, appears to be designed to affect public support for a political party.”

The Code references a set of principles by which 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.

The legislative basis referenced above are codified into the Council’s Constitution, which at paragraph E3.01 provides that members shall “not use council resources for political business.”

2.2 Members’ Code of Conduct

Additionally, North Lincolnshire Council’s Members’ Code of Conduct (Members’ Code) recognises the Publicity Code and thus the Act.

The Members’ Code was adopted by the council as required by Section 27 of the Localism Act 2011. Section 3.8 states: “You must only use, or authorise the use of, the council’s resources for proper purposes (non-political with regard being had to any applicable Local Council Code of Publicity) and in accordance with the council’s procedural and policy requirements.”

2.3 Additional Legislation & Guidance

This knowledge should be supplemented by an awareness of The Contempt of Court Act (1981) and The Defamation Act (1996).

An understanding of the Data Protection Act (2018), the Equality Act (2010), the Freedom of Information Act (2000) and the Human Rights Act (1998) is assistive.

Alongside a comprehension of the above mentioned legislative and constitutional governance arrangements, anyone engaged in the delivery of publicity in whatever form should have a working knowledge and understanding of the Independent Press Standards Organisation’s Editors’ Code of Practice.

3.0 Operational Activity

3.1 Press releases

These are used to publicise reports, decisions, policies, events, and activities as well as launch new initiatives, products or services and should include appropriate representation from elected members and officers involved in the matter.

They can also be used to raise awareness of particular issues, highlight performance, recognise civic achievements or encourage residents to engage in specific matters.

The marketing and communications team holds a central media diary to co-ordinate announcements to ensure the most-effective publicity is achieved.

Comments are to be attributed to:

- The mayor or nominated representative relating to civic and ceremonial matters.
- The leader on policy matters and major and strategic issues and by their discretion any others as the senior representative of the council.
- Cabinet members or lead members on corresponding portfolio matters.
- Other elected representatives as appropriate*.

On occasions, comment may be requested by the marketing and communications team from ward members, political group leaders and independent councillors as appropriate.

News releases and statements related to council decisions will be drafted in advance of the publication of the decision and not released before the decision has been published (this can be synchronised).

News releases will be posted on the council website and shared when appropriate across other relevant channels.

3.2 Media briefings and press conferences

These can be used to announce major initiatives, policies or projects and should include appropriate representation from elected members and officers involved in the matter.

This may include the mayor, leader, cabinet member, lead members and corporately the chief executive or other representative from the senior leadership team.

On occasion, staff members with specific and detailed insight may be used with agreement from the marketing and communications team and relevant senior officers.

3.3 Photocalls

The marketing and communications team will arrange all photocalls in conjunction with relevant officers and members.

Invites will be issued as below:

- The mayor or nominated representative relating to civic and ceremonial matters.
- The leader on policy matters and major and strategic issues and by their discretion any others as the senior representative of the council.
- Cabinet members or lead members on corresponding portfolio matters.
- Other elected representatives as appropriate*.

Officers, managers and directors from relevant teams can also be invited.

When a photocall is organised on behalf of an associated partnerships, invites will be extended to the elected members and/or officers who serve on these bodies.

Where possible and when appropriate Members of Parliament whose constituencies sit within the boundary of the council can be invited to attend. This includes when the matter relates to central Government policy and/or funding and/or if the patronage of the MP is considered to enhance regional or national promotion of the matter.

3.4 Events

All civic and ceremonial events are led by the mayor's office and the mayor takes the lead role in officiating over the event.

If the mayor is not available officiating over the event will fall to the deputy mayor in the first instance, then to the council leader, then cabinet member, then lead member, followed by officers in seniority.

At times, the council leads the management of events which are not civic nor ceremonial. Invites to attend such events will be issued as below:

- The mayor
- The leader of the council as the senior representative of the council.
- Cabinet members or lead members on corresponding portfolio matters.
- Other elected representatives as appropriate*.

Invites to and attendance at events are separate and distinct matters to press releases, media briefings and photocalls.

*this should include those involved in the development of the matters which are being publicised.

Where possible and when appropriate Members of Parliament whose constituencies sit within the boundary of the council can be invited to attend. This includes when the matter relates to central Government policy and/or funding and/or if the patronage of the MP is considered to enhance regional or national promotion of the matter.

3.5 Third party press releases, media briefings, photocalls and events

Occasionally, officers and members may be invited to contribute to or attend any of the above listed activities led by other organisations, this could be private businesses, community organisations or volunteer groups for example.

Any such matters directed to officers where publicity is likely to be generated must be managed in conjunction with the marketing and communications team.

3.6 Photography

The marketing and communications team provide photographic support.

Copyright for photographs taken by the marketing and communications team rests with the council.

When external photographers are commissioned, copyright stays with the photographer; however, the council will ensure it has the freedom to use the images as required.

Photography used to highlight sensitive or controversial issues must have the explicit permission of those featured before use.

Participants in council photocalls can be asked to remove any items they display such as emblems and badges that are deemed political or might otherwise express an opinion that could compromise the political neutrality requirements on all publicity.

3.7 Notifications to Ward Members

New developments and investments in specific wards will be notified to relevant ward members from the functional areas responsible for delivery through existing briefing mechanisms.

3.8 Media enquiries

The council's marketing and communications team is the single point of contact between the council and the media for both proactive and reactive issues. It is available as required 24-hours a day, seven days a week,

An open and honest approach must be taken, considering reputational issues, legal, privacy and/or commercial considerations. Responses will be provided in a timely fashion which is presented in a clear, simple, and user-friendly way.

While the team has extensive media contacts and is generally the first port of call for the media, officers and councillors may on occasion directly receive enquiries.

- Officers who are contacted by any media organisation should direct the query to the marketing and communications team.
- Officers who are contacted by any partner organisations to be involved in any publicity should direct the query to the marketing and communications team.
- Elected members approached by the media for an official council comment can liaise directly but should discuss this with the marketing and communications team who will provide advice, support, and guidance on how best to respond.

Media statements and responses will generally be attributed to:

- The mayor or nominated representative relating to civic and ceremonial matters
- The leader on policy matters and major and strategic issues and by their discretion any others as the senior representative of the council
- Cabinet members or lead members on corresponding portfolio matters.

With the approval of the marketing and communications team, statements may exceptionally be attributed to council "spokesperson", "spokesman" or "spokeswoman".

Media enquiries deemed to be political will be referred to the relevant political group offices.

Off the record briefings must not take place.

3.9 Potential media issues

If officers are aware of any issues which have the potential to become a media story, they should notify the marketing and communications team as soon as possible, even if out-of-hours.

If there is any doubt about whether something may or may not be a potential media issue, the head of corporate marketing should be contacted.

3.10 Schools

Schools and academy trusts manage their own marketing and communications. The central function of the council is available for support, information, advice, and guidance should it be required by school and academy leaders.

3.11 Filming

Requests must be directed to the marketing and communications team for consideration.

Interview requests of any kind must also be directed to the marketing and communications team for consideration.

3.12 Media monitoring

The marketing and communications team monitors media coverage relating to the council and can provide support and advice on how to respond to any inaccuracies in the reported information.

The marketing and communications team manages the council's licence with the Newspaper Licensing Agency (NLA) and holds electronic copies of press clippings of articles related to the Council. Under the terms of the NLA licence, no other copies of press articles can be produced.

3.13 Ward communications – including members' use of council letterheads

Ward members have a key role in communicating with their constituents but at all times the council is prohibited from publishing anything which appears to be designed to affect public support for a political party.

The restrictions are applicable in relation to the use of pre-printed group letters (and associated staffing, stationery, and postage costs) for external written correspondence.

It is permissible for ward members to use the council's pre-printed group letterhead paper when corresponding with ward constituents on ward related matters. Examples include:

- Sending welcome letters to new ward constituents that are limited to information about the ward member(s), council services and how to get in touch
- Sending letters and newsletters to ward constituents on council-related matters or issues that the ward member is dealing with and are factual and informative about the current situation
- Sending letters to ward constituents with a view to establishing ward surgeries to discuss ward and council service-related matters.

Care must be taken to ensure these do not appear to be designed to affect public support for a political party.

Such correspondence should preferably be signed by the member in their capacity as ward member for their respective ward. Any and all political content must be avoided, they should bear no political party insignia nor logos and be written in standard, black typeface.

If members wish to make political statements or refer to political parties or their views, council pre-printed letterhead paper must not be used.

To do so may lead to the perception that the council's resources are being used for political purposes contrary to the Act, the Publicity Code, the Council's Constitution, Members' Code of Conduct, and this Policy.

If members are in any doubt as to whether proposed content or format of ward letters and newsletters may infringe any of this guidance, advice from the marketing and communications team should be sought before sending anything.

4.0 Publicity ahead of elections

4.1 The pre-election period

At all times, the council is prohibited from publishing anything which appears to be designed to affect public support for a political party.

The run-up to an election is considered to be a period of heightened sensitivity and particular regard should be had to the legislation and guidance governing publicity to ensure that any resources of the council are not being used inappropriately.

The relevant paragraphs of the Publicity Code are as follows:

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.*

The pre-election period is recognised as being from the notice of an election to the close of the polls at 10pm on polling day.

In general terms the purpose of the restrictions during the election period is not to prevent the Council carrying out its normal business but to prevent business conducted during the period being used or having the potential to be perceived as being used to secure electoral advantage or influence voters.

The legislation is clear that publicity during the period of heightened sensitivity must not promote, or cannot be perceived to promote, a particular candidate or party or to otherwise influence voters.

To avoid any potential misinterpretation, members who are candidates will not be permitted to issue mass ward/street letters and ward newsletters during the period of heightened sensitivity. They can respond to individual constituency casework queries though in all cases, members should seek advice from the marketing and communications team before sending anything in the pre-period.

The council balances the strict guidelines alongside its responsibilities to take appropriate steps to encourage the participation of electors in the election.

Any public awareness activity must be designed in such a way as to maximise the impact ahead of the registration deadline to ensure everyone who wants to vote has the information they need to be able to do so and can vote using their preferred method.

5.0 Complaints

5.1 How to make a complaint

Any individual (officer, member, or resident) can complain about perceived breaches.

Where considered appropriate and proportionate to do so, the council aims to resolve complaints at the point of service delivery and as quickly as possible.

The Deputy Chief executive is the responsible director for complaints which should be, in the first instance, directed by email customerexperienceteam@northlincs.gov.uk

Endeavours to resolve such complaints informally can be made with all parties.

When the alleged breach is by a member and either matters cannot be resolved informally or it is considered more appropriate and proportionate that a formal complaint be instigated, this shall be conducted in accordance with the council's Standards Arrangements. A recommendation for this can be made following the initial complaints triaging.

When the alleged breach is by an officer and either matters cannot be resolved informally or it is considered more appropriate and proportionate that a formal complaint be instigated, this shall be conducted in accordance with the council's disciplinary policy. A recommendation for this can be made following the initial complaints triaging.

5.2 Officers in politically sensitive roles

Additional awareness should be given by those who occupy posts considered politically restricted under Part 1 of the [Local Government and Housing Act 1989](#). The rules are designed to ensure the political impartiality of local government staff who hold posts involving duties of a politically sensitive nature.

Further guidance is included in the [Local Government Officers \(Political Restrictions\) Regulations 1990](#) (the Regulations). These prohibit post holders from having any active political role either in or outside the workplace, including standing as a candidate for publicly elected office, acting as an election agent or sub-agent for any candidate for election, holding office in a political party and canvassing at any elections.

The Regulations include the prohibition of speaking "to the public at large or to a section of the public with the apparent intention of affecting public support for a political party."

A breach of the Regulations may also be considered a breach of the Publicity Code and may result in disciplinary action in line with the Council's disciplinary policy.

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