



Department for Communities and Local Government

Chief Executive
Principal local authorities in England
The Council of the Isles of Scilly

25 March 2014

The Town Clerk,
City of London

The Chief Officer
The London Fire and Emergency Planning
Authority
Fire and Rescue Authorities

Dear Colleague,

CODE OF PRACTICE ON LOCAL AUTHORITY PUBLICITY

I am writing to let you know how the Secretary of State is minded to exercise his powers to direct compliance with the Code. Section 39 of the Local Audit and Accountability Act 2014 inserts a new section 4A into the Local Government Act 1986 which provides a power for the Secretary of State to direct one or more specified local authorities in England to comply with a Code of Recommended Practice on Local Authority Publicity that applies to that authority or those authorities.

On 31 March 2011 the Secretary of State issued a Code of Recommended Practice on Local Authority Publicity (the 'Publicity Code') which applies to your local authority. This Publicity Code sets out a range of provisions in relation to local authority publicity. These provisions include the seven principles of local authority publicity, namely that it should be lawful, cost effective, objective, even-handed, appropriate, have regard to equality and diversity, and be issued with care during periods of heightened sensitivity. The provisions also include statements of the actions a local authority should or should not take in order to comply with the principles, including in relation to the principle of objectivity a statement that a local authority should avoid anything likely to be perceived by readers as constituting a political statement, or in relation to the appropriateness principle statements about the frequency, content and appearance of local authority newssheets or similar communications.

The background to the new power is that whilst the majority of local authorities comply fully with the Publicity Code's provisions, it is a matter of concern to the Government that there are still cases where this is not so, for example, local authorities issuing publicity that is political in nature or continuing to publish newspapers more frequently than stated

in the Code's provisions. The Secretary of State being able to direct compliance with the Publicity Code is a means whereby these concerns can be addressed.

The 2014 Act received Royal Assent on 30 January 2014 and section 39 of the Act will come into force on 30 March 2014. The Secretary of State intends, as soon as practicable thereafter, to consider whether, and if so how, to exercise his power to direct one or more specified local authorities to comply with the Publicity Code. He recognises that any direction may require compliance with one or more specified provisions of the Publicity Code, or with all of the provisions of the Publicity Code. He also recognises that a direction may specify the steps that an authority to which it is given must take to comply with it, and may specify the time within which the authority must comply with that direction. Where on the basis of this consideration the Secretary of State is minded to give a direction to an authority, he will as the 2014 Act requires give the authority notice in writing of the proposed direction.

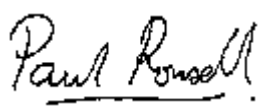
The Secretary of State intends to adopt the following approach to this consideration. Where on the basis of any material or information currently available to him, the Secretary of State considers that there is some evidence of non-compliance since the Publicity Code was issued in March 2011, and there is no current unambiguous evidence available to him that the non-compliance has ceased and that there is no risk of future non-compliance, he will be minded to give a direction to the authority concerned. That direction would take such form as he considers appropriate in order to end the non-compliance or remove the risk of any future non-compliance.

The Secretary of State also intends that where he has given an authority written notice of a proposed direction, he will as soon as practicable after the end of a period of fourteen days beginning the day on which the notice was given to the authority decide whether or not to give that direction. In reaching that decision he will have regard to any written representations which the authority has made to him about the proposed direction within that period of fourteen days, and to any other matter or information which he considers appropriate.

Whilst the Secretary of State will consider the circumstances of each case, he is minded to adopt the following policy in relation to this decision. This policy is that any proposed direction would be confirmed and given, with or without such modification as the Secretary of State considered appropriate, unless on the basis of the information and material available to the Secretary of State when taking the decision he concluded that there is unambiguous evidence that there is no non-compliance with the Publicity Code and that there is no risk of future non-compliance.

If you have any questions about the new powers, please contact ConductCode@communities.gsi.gov.uk Tel: 0303 44 42005.

Yours sincerely,

A handwritten signature in black ink, reading "Paul Rowsell". The signature is written in a cursive style with a horizontal line underneath the name.

Paul Rowsell