

POLICY AND RESOURCES

CABINET BOARD

30TH MAY 2013

FINANCE AND CORPORATE SERVICES

REPORT OF THE HEAD OF LEGAL SERVICES

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ITEM 1
PART 1 SECTION A

**LOCAL GOVERNMENT WALES – THE LOCAL AUTHORITIES
(STANDING ORDERS) (WALES) (AMENDMENTS) REGULATIONS
2013**

1.1. Purpose of Report

To advise Members of consultation received and to obtain a decision on an appropriate responses.

1.2. Background

1.2.1. The current regulations are the Local Authorities (Standing Orders) (Wales) Regulations 2006 (“the 2006 Regulations”). These require local authorities to include within the standing order provisions covering; the appointment of Chief Officers, recording of votes and the signing of minutes, provisions related to staff in local authorities with different types of executive or alternative arrangements, and disciplinary action against certain senior post holders.

1.2.2 The 2006 Regulations are made under section 8, 20 and 190 of the Local Government and Housing Act 1989 and require relevant authorities to incorporate into their standing orders certain provisions relating to their staff, meetings and proceedings.

1.2.3 The Welsh Government propose to make amendments to the 2006 regulations which result from changes introduced by the Local Government (Wales) Measure 2011 (“the 2011 Measure”).

1.2.4 Section 8 of the 2011 Measure imposes a duty on local authorities to designate one of its officers as “Head of Democratic Services”. It is proposed to amend the 2006 Regulations to afford the Head of Democratic Services the same protection as other Chief Officers in relation to disciplinary proceedings. It is also proposed to add Heads of Democratic Services and Monitoring Offices to the list of officers whose appointment and dismissal are dealt with by Committee, rather than by the Authority’s Head of Paid Service.

1.2.5 The proposed amendments would also require the public advertisement of any Chief Officer vacancies at a local authority.

1.2.6 The Welsh Government take the view that it is no longer appropriate for such senior posts to be appointed without them being publicly advertised.

1.3. Comments on Consultation

1.3.1 As a general proposition I consider that the decision of whether to recruit internally or externally should be left to the discretion of local authorities.

1.3.2 If the Welsh Government are of the view that **all** Chief Officers should be appointed by open advertisement, the regulations as drafted may not achieve that purpose. The current legislation contains certain compulsory standing orders together with authorised variations. Specifically the authorised variations to the prescribed standing orders contained in Part 2 of Schedule 1 to the 2006 Regulations allow local authorities to treat Statutory and Non Statutory Chief Officers in different ways and the appointment of a Non Statutory Chief Officer may be excluded from the advertisement process. Statutory and Non Statutory Chief Officers are defined by Section 2 (6) and (7) of the Local Government and Housing Act 1989.

1.3.3 The Regulations as presently drafted would require, for example, the public advertisement of the post of Director of Social Services but not Director of Environment Services. Equally it would require the advertisement of a Deputy Chief Officer post carrying out the functions of Monitoring Officer or Section 151 Officer and not a Corporate Director to whom these Officers might report.

1.3.4 On a practical level the regulations as drafted may also cause operational difficulties. There will be occasions from time to time where a Chief Officer leaves his or her post unexpectedly or is temporarily unable to act. The draft regulations make no distinction between temporary and permanent appointments and would require local authorities to go through an advertised recruitment exercise merely to cover a short term vacancy before a permanent appointment was made.

1.3.5 I would suggest that the regulations should allow temporary appointments of, say, up to twelve months without the requirement for advertisement.

- 1.3.6 The issue of advertising the “appointment” of the Monitoring Officer or Section 151 Officer needs further detailed thought. I use the post of Monitoring Officer as an illustration but many of the points made also apply to the Section 151 Officer. Monitoring Officers are not appointed they are “designated”. In that connection please see Section 5 (1)(a) of the Local Government and Housing Act 1989. Similarly Section 151 of the Local Government Act 1972 states that a local authority shall secure that one of their Officers has responsibility for the administration of its financial affairs. It does not require an appointment.
- 1.3.7 In the case of the Monitoring Officer, except in a few instances, the role is combined with other functions often the Head of Legal Services. It is not generally a separate appointment. This is perhaps the reason why the word “appointment” was not used in 1989. What I presume to be the objective of the draft regulations could be achieved by saying that where a local authority intended to appoint a person who, as part of his or her duties, would carry out the functions of Monitoring Officer or Section 151 Officer, then that post must be publicly advertised.
- 1.3.8 The same points as I have made above at paragraph 3.4 in relation to temporary appointments of other Chief Officers would also apply to the Monitoring Officer and Section 151 Officer. A Monitoring Officer may be suddenly taken ill and there needs to be a method by which a new Monitoring Officer can be designated without delay. The same is true of a Section 151 Officer.
- 1.3.9 It should be noted that the 1989 Act makes provision for a Deputy Monitoring Officer but there is no provision for a Deputy Section 151 Officer.

Disciplinary Proceedings in relation to Head of Democratic Services

- 1.3.10 The Welsh Government may have a view that the role of Head of Democratic Services will increase over the years. If that is the intention it may very well be appropriate to extend the provisions which already apply to certain posts to the Head of Democratic Services.
- 1.4. **Recommendations**
- 1.4.1. The inclusion of Head of Democratic Services in the list of posts that require certain procedures to be followed in the event of an investigation into allegations of misconduct be supported.

1.4.2 The requirement to advertise all Chief Officer posts not be supported and that this report form the basis of comments to the Welsh Government.

1.4.3 The inclusion of Monitoring Officer and Head of Democratic Services to the list of those posts who are not subject to appointment or dismissal by the Head of Paid Services or another officer designated to him be supported.

1.5. **Reason for proposed decision**

To express the Council's views to the Welsh Government.

1.6. **List of Background Papers**

Consultation from the Welsh Government.

1.7 **Wards Affected**

All

1.8 **Officer Contact**

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COMPLIANCE STATEMENT

LOCAL GOVERNMENT WALES – THE LOCAL AUTHORITIES (STANDING ORDERS) (WALES) (AMENDMENTS) REGULATIONS 2013

Implementation of Decision

The decision proposed is an urgent one for immediate implementation, subject to the consent of the relevant Scrutiny Chair (and is not therefore subject to the call- in procedure)

(a) Sustainability Appraisal

Community Plan Impacts

Economic Prosperity	-	no impact
Education & Lifelong Learning	-	no impact
Better Health & Well Being	-	no impact
Environment & Transport	-	no impact
Crime & Disorder	-	no impact

(b) Other Impacts

Welsh Language	-	no impact
Sustainable Development	-	no impact
Equalities	-	positive
Social Inclusion	-	positive

(c) Consultation

There has been no requirement under the Constitution for external consultation on this item.

ITEM 2

PART 1 SECTION A

CONSULTATION ON REVISED CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY IN WALES

2.1. Purpose of Report

2.1.1. To advise Members of consultation issued by the Welsh Government.

2.1.2. To enable the Council to formulate a response to the consultation.

2.2. Background

2.2.1. The Local Government Act 1986 (“the 1986 Act”) makes provision in relation to Local Authority publicity. This is defined as any communication issued by a Local Authority and addressed to the public at large or to a section of the public.

2.2.2. The Act specifically prohibits the publication of any material which appears to be designed to affect public support for a political party. It also enables central government to issue codes of recommended practice under Section 4 of the 1986 Act in relation to the content, style, distribution and cost of Local Authority publicity and any other related matters.

2.2.3. The existing Code was issued by the Welsh Assembly in 2001. The Welsh Government now propose to make amendments to the Code; the revised document is reproduced in the Annex to this report.

2.2.4. The Draft Code would update various statutory references. It also makes specific reference to annual reports by elected Members (which are formerly excluded from the Code), the publication of Council newspapers and broadcasting of Council meetings.

Commentary

2.2.5. The revision of the Code is to be welcomed; the existing Code was issued in 2001 and needs updating. In practice it is difficult to find copies of the Code on the Welsh Government website and it is to be hoped that the new version will be made more accessible.

- 2.2.6. Paragraph 8 of the Draft Code refers to the use of Council newspapers and refers to the publication of official notices. It would be of assistance if the Welsh Government gave advice on the practice of using such newspapers to publish official notices. Some statutes require the publication of notices in newspapers circulating in the area of the Local Authority. It would be helpful if the Welsh Government expressed a view as to whether Local Authority published newspapers could be used for that purpose.
- 2.2.7. Paragraphs 38 and 39 refer to filming and broadcasting of Council meetings. This issue will be addressed by a specific report of the Head of Democratic Services. I would therefore confine myself to commenting that the guidance in paragraph 39 appears to be outside the scope of Section 4 of the 1986 Act in that the filming or recording of Council meetings by other persons is not, by definition, Local Authority publicity.
- 2.2.8. It should be made clear that paragraph 43 refers to the circumstances set out in paragraph 42. Likewise paragraph 45 should refer to the relevant statutory provision under which a community poll is held.
- 2.2.9. Paragraph 46 (unnumbered in the draft Code) refers to the provision of assistance to others in issuing publicity. The Public Services Ombudsman for Wales has commented from time to time about the way in which Members use social media. There have been some complaints in the past in other Local Authorities about statements made by Members using social media. It would be of assistance if the Welsh Government expressed a view about whether the Code applies to the use of social media by individual Members where Council IT provided by the Council has been used to issue messages on social media.

2.3. **Recommendations**

- 2.3.1. That the Head of Legal Services be requested to respond to the consultation paper. The response shall:-
- 2.3.1.1 Request clarification on the use of Council newspapers to publish official notices
 - 2.3.1.2 Request the Welsh Government to consider whether paragraphs 38 and 39 of the Draft Code fall within the terms of Section 4 of the Local Government Act 1986.

2.3.1.3 Request clarification of paragraphs 43 and 45 as set out in the report and

2.3.1.4 Request the Welsh Government to consider whether it would be appropriate to clarify whether the Code applies to the use of Council facilities to issue messages on social media if Council facilities are used to do so.

2.4. Reason for proposed decision

To formulate a response to the Welsh Government on the consultation document.

2.5. List of Background Papers

2.6 Wards Affected

All

2.7 Officer Contact

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COMPLIANCE STATEMENT

CONSULTATION ON REVISED CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY IN WALES

Implementation of Decision

The decision is proposed for implementation after the 3 day call-in period.

(a) **Sustainability Appraisal**

Community Plan Impacts

Economic Prosperity	-	no impact
Education & Lifelong Learning	-	no impact
Better Health & Well Being	-	no impact
Environment & Transport	-	no impact
Crime & Disorder	-	no impact

(b) **Other Impacts**

Welsh Language	-	no impact
Sustainable Development	-	no impact
Equalities	-	positive
Social Inclusion	-	positive

(c) **Consultation**

There has been no requirement under the Constitution for external consultation on this item.

CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY IN WALES – CONSULTATION PAPER

INTRODUCTION

The Local Government Act 1986 contained provisions which were primarily intended to restrict local authority publicity material from being overtly political, reflecting the political situation of the time and the relationship between Government and certain local authorities.

Section 4 of the Local Government Act 1986 created a power for the Secretary of State to issue one or more codes of practice in relation to publicity. Specifically, the code (or codes) could deal with issues connected to the content, style, distribution and cost of local authority publicity and any related matters which the Secretary of State felt appropriate. In taking any decisions about publicity, local authorities are obliged to have regard to such a code.

The Secretary of State's power now rests, in Wales, with Welsh Ministers since it was devolved to the National Assembly following its creation. Indeed, the National Assembly of Wales now has legislative competence covering this area, enabling a different approach to this issue to be taken in Wales, if that were so desired.

The existing code was produced in 2001 and was introduced by the then Minister for Local Government, Finance and Communities. Before revising or issuing a fresh code, the 1986 Act requires that local authorities and their associations are consulted.

There are a number of issues which have arisen in the last year or two which suggest that it is timely to review the existing code. The Local Government (Wales) Measure 2011 introduced a requirement for local authorities to make arrangements for the publication of annual reports by elected members, a provision due to come into effect from next May onwards, when members elected in 2012 will have served their first year.

There has also been considerable discussion surrounding two other issues: the production of council newspapers and the broadcasting of council meetings.

The revised draft Code which follows will apply to county and county borough councils, National Park authorities, Fire and rescue authorities and town and community councils in Wales. Revisions are italicised on the 2001 Code.

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; 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 2 of the Local Government Act 2000 gives local authorities a power to do anything which will promote the economic, social or environmental well-being of their area, sections 142(A) of the 1972 Act authorises 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. *The Local Government (Wales) Measure 2009 requires local authorities to publish their Improvement Plans and Community Strategies and the Local Government (Wales) Measure 2011 requires local authorities to make arrangements for each elected member to publish an annual report on their activity,*
4. In considering the subject areas in which publicity is to be issued, the publicity should be relevant to the functions of the authority.

Costs

5. Local authorities are accountable to the public for the efficiency and effectiveness of their expenditure, in the first instance through their audit arrangements.
6. *In these times of financial stringency, it is particularly important that local authorities have regard to the cost-effectiveness of anything they are intent on publishing.*
7. 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.
8. *In the case of council newspapers, for instance, the cost of their production and circulation needs to be balanced with the savings which local authorities can make by using their own newspapers to advertise vacancies and publish official notices.*

9. 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

10. Local authorities produce a variety of publicity and promotional 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 *relation to material produced under the Wales Programme of Improvement* or on specific topics, for example as background to consultation on the line chosen for a new road.

11. Any publicity describing the council's policies and aims should be as objective as possible, concentrating on facts or explanation or both.

12. Where publicity is used to comment on, or respond to, the policies and proposals of the Welsh or UK Governments, other local authorities or other public authorities, the comment or response should be objective, balanced, informative, timely 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.

13. 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 at times, particularly given the importance of wide consultation whenever material issues arise. Such publicity should be handled with particular care. Issues should be presented clearly, fairly and as simply as possible, although councils should not over-simplify facts, issues or arguments.

14. *Local authorities* should endeavour to ensure that publicity material does not cause undue offence.

15. 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.

16. 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. *For example, the Housing Transfer Guidelines 2009, (para 2.2.31) state: "In carrying out the consultation exercise, local authorities should adhere to the National Assembly for Wales's Code of Recommended Practice on Local Authority Publicity. This encourages the local authority to explain and justify its proposals and ensures that local authority publicity concentrates on facts or explanation or both."*

17. Where material is produced, particular care should be taken to ensure that it is unambiguous, readily intelligible, and unlikely to cause needless concern or discomfort to those reading, seeing or listening to it. *Any material produced should have regard to the Equality Act 2010 and The Welsh Language (Wales) Measure 2011.*

Dissemination

18. 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 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.

19. 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.

20. Local authority newspapers, leaflets, other publicity distributed unsolicited from house to house and information on websites, are able to reach wider audiences than publicity available on application to the council. Councils should give particular consideration to the use of *Internet-based* communication systems. They are 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. 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

21. 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 *through links on others' Internet sites.*

Advertising

22 Advertising (paid for media), can also be a cost-effective means of publicising a local authority's activities on promoting the social, economic and environmental well-being of the area.

23. 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.

24 Advertising in media which covers an area significantly wider than that of the authority is sometimes an appropriate means of attracting people to the area to use its facilities.

25. *Any advertising material produced by a local authority or contained within one of its publications that reach the public unsolicited, should clearly refer to its provenance.*

26. 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.

27. Local authorities should never use advertising as a means of giving financial support to any publication associated with a political party.

Recruitment advertising

28. 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.

29. 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.

30. Advertisements for staff should not be placed in party political publications.

Council newspapers

31. *A great deal of local authority advertising, including notification of employment vacancies, publication of official notices, and forthcoming public events, is contained in newspapers or newsletters produced by many local authorities. These are also useful vehicles for informing the public about the activities and services of the council.*

32. *There has been some criticism of these publications for taking business away from local commercial newspapers and for lacking objectivity. It is important that*

regard is had to this Code in relation to articles written in these documents even when the article is written as a piece of journalism.

33. *The Welsh Government does not share the view that local authority newspapers are responsible for the demise of local newspapers. With the growth of Internet-based sources and 24-hour news broadcasts, it is probably inevitable that circulation of newspapers, including small, regional, newspapers, would suffer¹. Recent data on regional newspapers indicates that circulation is falling significantly. However, local authorities need to ensure that there are sufficient savings and other advantages to justify the ongoing publication of their own material and should examine the advantages of enabling members of the public to receive these electronically rather than in hard copy where that is their wish.*

Individual councillors and annual reports

34. *Publicity which includes detail about individual councillors may include their contact details, their role in the Council and their responsibilities. It may also include information about individual councillors' proposals, decisions and recommendations, if 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.*

35. *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 his/her 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 party or directly attacking policies and opinions of other parties, groups or individuals.*

36. *Section 5 of the Local Government (Wales) Measure 2011 provides that local authorities must make arrangements for each member of the authority to produce an annual report on their previous year's activities. The authority has a duty to publish these reports, though they may impose conditions as to the content, having regard to any guidance from Welsh Ministers.*

37. *Because annual reports are the subject of separate guidance, to which local authorities must have regard, they are to be regarded as outside the scope of this Code..*

Filming and broadcasting of council meetings

38. *Society now expects to have far greater access to information than in the past, in particular in relation to the decision-making procedures of its elected bodies. This should be embraced by political representatives as providing an opportunity to communicate directly with their electorate. Local authorities are encouraged to make arrangements for their proceedings to be made more accessible to the public by*

¹ <http://www.levesoninquiry.org.uk/evidence/?witness=spencer-feeney>

allowing them to be broadcast. This might be achieved through the authority itself carrying a live stream or recordings on the council's website or through some other internet-based medium. The Welsh Government does support and encourage local authorities to use modern social media techniques such as Twitter and Facebook to communicate with the public.

39. *There have been well-publicised cases of members of the public recording and broadcasting the proceedings of council meetings and the Welsh Government would urge local authorities to look favourably on this, provided that those attending the meeting are aware that this is taking place and that other members of the public are not distracted or disturbed unduly by the process.*

40. *Clearly, these facilities should not be available at such time as an authority or one of its committees is discussing confidential business as defined by Schedule 12A to the Local Government Act 1972.*

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 in this period 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 enquires provided that their answers are factual and not favourable to a political party. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a 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. *Local authorities need to take care also when a campaign is underway to influence local people in relation to a referendum to decide whether to have a directly elected mayor. The Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001 (as amended) 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.*

43. *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.*

44. Local Authorities 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 Act 2000 are sent to the Assembly and ending with the date of the referendum. The publicity from the local authority should not be capable of being perceived as seeking to influence public support for, or against, the referendum proposal and should not associate support for, or against 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.

45. *Similar considerations apply when a community poll is taking place. The local authority should ensure that any material it publishes is restricted to factual information and does not enter the debate on the issue which is the subject of the poll.*

Assistance to others for publicity

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.

47. It is appropriate for local authorities to assist other public bodies, charities or 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.