

City of York Council Media protocol 2019

Introduction

The Local Government Act places tight restrictions on what and who the council can legally publicise.

This particularly applies to information about the activities of individual councillors, where the council is required by law to avoid any implication that it is spending public money on promoting a single political party or individual.

The rules and legal restrictions governing official council publicity are many, complex and difficult to understand. Therefore, this protocol seeks to provide a more straightforward guide on the key aspects of the rules and how they impact upon our communications activity and publicity. It also sets out and defines the roles and responsibilities for officers and councillors.

This guidance relates primarily to council communications or publicity through the media. While the (traditional) media is a key channel for us, there are others which we can use. The principles outlined in this protocol will be similarly applied to all other channels such as social media, unless otherwise stated.

Official council publicity will only relate to the functions and activities of the city council, not individual political groups. This means we are largely restricted to using an officer or executive members who have an official position and/or area of responsibility within the organisation.

This protocol is divided into five parts as follows:

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Part 1 - Those holding 'official positions'

City of York Council's decision-making executive group is made up of councillors who each have responsibility for an area of council policy/business. These areas of responsibility are referred to as executive 'portfolios'.

City of York Council currently has a joint administration and executive responsibilities are shared across two leadership groups. This arrangement is reflected in these protocols.

Chairs of Committees should consult with the communications team on any matters relating to the work of their committees. In particular chairs must make it clear when they speak to the media if they are speaking on behalf of the Council.

The Lord Mayor, in respect of his/her civic responsibilities, may also speak on behalf of the council in publicity relating to his/her civic responsibilities.

Officers who are directly approached by a member of the media should not answer questions themselves. The journalist should be referred to the communications team, which will manage the response.

Councillors who are directly approached by a member of the media may make use of the guidance contained in this protocol.

Officers and councillors who have contact with the media in a personal capacity or as members of non-council related organisations must not refer to their council posts and must make it clear to the journalist concerned that they are speaking in a personal capacity or on behalf of the non-council related organisation.

Trades union officers or Political Assistants, who are employees of the council and who have contact with the media in their trade union or political capacity, must make clear that they are speaking as a union or political group representative. If trades union officers have contact with the media in their capacity as a council employee, then the relevant provisions of this protocol relating to council officers will apply.

Part 2 - Legal restrictions

The Local Government Act 1986 says the council must not publish anything, (including issuing news releases) which appears to be designed to affect public support for a political party.

The Act also says we must have regard to codes of practice about publicity as issued by the government. We will follow the code where publicity is addressed to the public at large, or a section of it, although different rules may apply where the council is consulting with the users of specific services.

Other areas of legislation require that the council does not act incompatibly with individuals' right to respect for their private and family life, home and correspondence, under the Human Rights Act 1998, and must only disclose personal data in line with the Data Protection Act.

Key legal points to note:

- publicity describing the council's policies and aims should be as objective as possible, concentrating on facts or explanation of both.
- publicity used to comment on, or respond to, the policies or proposals of the government, or other public authorities, should be objective, balanced, informative and accurate, and not prejudiced, unreasoning or party political.
- publicity relating to the provision of a service should concentrate on providing factual information about the service.
- publicity on controversial issues should not over-simplify facts, issues or arguments.
- publicity should not attack or appear to undermine, generally accepted moral standards.
- the council must 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.
- publicity about the views or activities of individual councillors, is only appropriate where they are representing the council as a whole and usually in an official capacity such as executive portfolio holder.

- between publishing a notice of an election and polling day, publicity should not be issued which deals with controversial issues, or which reports views or policies in a way that identifies them with individual parties, political groups or groups of councillors.
- press releases and media interviews generally should not deal with issues about identifiable councillors, groups of councillors or individuals.
- the council's publicity must not criticise other organisations or individuals to the extent that this could be defamatory.

Part 3 - Application of the rules (speaking on behalf of the council)

In general, we will use a named individual to speak on behalf of the authority. However, circumstances or the required response, may dictate (particularly when dealing with a reactive query) that a quote provided by the Head of Communications acting as a spokesperson is more convenient or practical – to be agreed in consultation with the relevant Executive Member.

Leader, Deputy Leader and Executive portfolio holders

The Leader and Deputy Leader will be jointly quoted in circumstances when they are representing the city in a statesman role and in connection with their role(s) as Chair/Vice Chair of the Executive. For example, major policy announcements, launches of high profile council initiatives or schemes and civic emergencies will require the Leader and Deputy Leader to speak jointly on behalf of the council.

On occasion, and when key policy statements or significant and sensitive issues need a comment or quote, both the Leader and Deputy will be consulted so they can agree on who should be quoted and whether joint statements are necessary.

Executive portfolio holders will be quoted in news releases which relate to their portfolio, including overall policy decisions and in response to press enquiries relating to their portfolio.

When quoted, the executive portfolio holder will appear first.

For photographs, the relevant Executive Member will be used and either the Leader or Deputy Leader (dependent on making sure both groups are involved) will be invited.

For videos, the relevant Executive Member, then the Leader and then Deputy Leader, have the right to appear.

Quotes used in social media will feature all quotes in the proactive media release and / or the video.

Lord Mayor and civic party

The Lord Mayor will be quoted in appropriate press releases and statements in respect of his/her civic responsibility and function, where the issue is ceremonial and an ambassadorial role to represent the city is required.

In his/her absence the deputy Lord Mayor will be quoted.

Officers

Officers will normally speak on behalf of the council in any announcement which relates to operational issues or where an officer has a specific area of responsibility which requires a professional profile or where the involvement of an elected portfolio holder is considered not appropriate (e.g. election matters, legal issues, code of conduct issues etc). All quotes and media activity by Council Officers will be carried out in consultation with the relevant Executive Member.

In radio or TV interviews, where a detailed knowledge of the subject material is more important than broad policy, it may be more appropriate to put forward a suitably qualified officer to speak on behalf of the council.

Where a pre-prepared statement (already approved by an officer and/or Executive portfolio holder) needs to be read aloud for the benefit of a broadcast organisation, say for instance, in the event of a reactive query, a member of the communications team can speak on the authority's behalf.

Council officers speaking on behalf of the authority will always be named.

There are no hard and fast rules about the level of seniority of officers who can be used in council publicity.

Generally, it is best to identify someone with the correct balance of authority and subject knowledge for that specific issue. The communications team will advise on this.

Individual councillors and group support officers

The Act and Code relating to publicity places tight restrictions on what and who the council can legally publicise. This applies particularly to individual councillors, where official publicity is restricted to using an officer with an official position and area of responsibility within the council to speak on behalf of the authority.

The Political Assistant will provide professional communication support to elected members, to provide an explanation of the views of the relevant political group on matters facing the council or which relates to local ward matters of a non-political issue, which cannot be provided by the council communications team under its protocols.

Media statements which relate to ward specific issues will, as normal, be drafted in liaison with the relevant department and cleared by the executive portfolio holder. Relevant ward councillors will be provided with a copy of the statement once it has been issued to the media for their information.

All proactive media statements will be shared with the Political Assistant.

Partnerships

Where the council is involved in issuing communication as part of a partnership arrangement, the partnership's arrangements should be followed. This would normally be the chair of the lead organisation. In the case of a communication being prepared on behalf of a number of partners it may be appropriate to offer each partner an opportunity to be quoted. All partners should be given an opportunity to approve the release within a set timeframe.

Where partnerships are complex, or may last some time, a separate partnerships media protocol will be drafted. This will support the principles described in this media protocol, and also include how and when partners might be involved or consulted.

Code of Conduct issues

For code of conduct issues, the Chief Executive will speak on behalf of the council in liaison with the Monitoring Officer.

Any proactive statement will be first shared with the members involved with sufficient time provided for them to comment. For reactive lines to take, the Chief Executive will approve the statement and share it with members involved at the same time as distributing to the media. Any proactive statement will be shared with the member involved with sufficient time provided where possible for them to respond.

Responding to enquiries and criticism

We always respond to enquiries through a named council officer or spokesperson depending on who issues the statement or speaks to the journalist. This may be the Head of Communications if appropriate. The relevant Executive Member may need, or wish, to respond to enquiries and they will be provided with the opportunity to do so, noting the restricted clearance times.

Where the council is being criticised by a politician, it may not be appropriate to quote a council officer in response or put forward an officer for a radio or TV interview. This could easily give the false impression that council officers were politically partisan. In these cases, the communications team will seek to draft a factual response or briefing, and then it will be decided whether the Council can respond factually, or if the Leader or Deputy Leader, relevant Executive Member or another councillor(s) who has an official position can respond.

However, on rare occasions, officers may need to respond to specific criticisms when there is a need to correct factual information.

Where an enquiry relates to a party-political issue, then such matters will be referred to the appropriate party's political assistant for consideration. However, a political assistant can only provide a press statement which expresses the group's view on the matter as it affects the council.

Responding to enquiries during emergencies/out of office hours

The communications team provides an out-of-hours service for emergency media enquiries during times when the office is closed (between 5.30pm and 8.30am Monday to Friday, at weekends and on bank holidays).

The on-duty officer from the communications team may be required to respond to an incident as it unfolds.

Under these circumstances, he/she will follow the incident communications plan, establish the facts of the incident with the senior officers involved and provide a factual statement/public information response to the media.

Circumstances may dictate that it is difficult or impossible to arrange clearance with the relevant Executive Member before release to the media. If the media require a council officer for interview, the duty communications officer will at first, try to contact the Leader and Deputy Leader or relevant Executive Member in the first instance to agree the appropriate response. If this cannot be achieved, the communications officer will contact a senior officer.

A copy of any media statement will be sent to the relevant executive portfolio holder and political assistants. Regular updates on an emergency incident/situation will be provided to the party group offices.

Part 4 - Special rules covering pre-election periods

The period between the notice of an election and the election itself is particularly sensitive and publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual councillors or groups of councillors.

This means that during this period:

Proactive publicity:

- caution must be exercised in the use of proactive publicity especially on contentious topics
- we must avoid proactive publicity in all its forms of candidates and other politicians involved directly in the election
- proactive events arranged in this period should not involve members likely to be standing for election
- publicity must be factual not party political

Reactive publicity:

- we may continue to quote appropriate councillors (including the Lord Mayor) in response to events or external enquiries, but only where the nature of the event or enquiry properly calls for such a response

- such responses must also be factual, so as not to allow people to infer we are promoting the views of a single political party

It is important to note that the above restrictions apply to council funded publicity.

This does not affect the ability of individual candidates to use their own resources to publicise themselves prior to any election, subject of course to the rules regarding election expenses and their declaration.

The council's Deputy Returning (Monitoring) Officer will provide written guidelines at the time of any relevant elections and should be consulted for advice for the appropriate approach on a case-by-case basis.

Part 5 - The clearance process

One of the most important aspects of dealing with and managing the media is being able to provide a prompt response to a query, question or interview request. The sooner we can respond and involve ourselves in the story, the greater the chance we have to influence it. This is especially important where the council's reputation might be affected.

We also wish to influence the news agenda proactively by offering people for interview or providing case studies to illustrate topical issues. We will use our forward planning process to identify opportunities in advance, but may still want/have to exploit on-the-day stories particularly when there is breaking news or developing stories.

Many news organisations will have made most of their routine editorial decisions by mid-morning. It is therefore important we make prompt decisions in terms of our own proactive communications or when we are dealing with a reactive query; especially when we are working to tight deadlines. A streamlined and simple clearance process is essential to the council's ability to influence or exploit the news agenda.

- The communications team will work with heads of service, assistant directors and directors to identify the most appropriate officer to provide the information required to respond to a query. A timely and efficient response to requests for information or comment is vital.
- For proactive media statements – we will aim to provide executive members with a 2 day turnaround

- For reactive media statements – we will respond to media deadlines, in consultation with the relevant Executive Member (usually within a couple of hours)

This protocol applies to office hours (8.30am to 5.30pm Monday to Friday). Out-of-hours, or in the case of an emergency incident, it may be necessary to depart from this agreed approach.

The communications team will have responsibility for the council's policies and practices which reflect the style, tone and language to be used in written communications (described in the style guide). Any communications material that does not reflect the council's policies may be amended.

The Political Assistant will share information, where appropriate, relating to interviews (print or broadcast) involving portfolio holders that have been arranged directly.

Responses, statements or comments which have been cleared previously may be re-used if appropriate.

The Chief Executive may speak on behalf of, and/or clear communication materials relating to the corporate business of, the council. A copy of any communication will be sent to The Political Assistant.

Proactive media activity should be planned as far in advance as possible to allow all enough time for officers and councillors to respond and clearance to be approved.

Clearing materials

Reactive queries from the media relating to matters of fact or information concerning the council's routine business may be answered by a member of the communications team without automatic referral to a portfolio holder or the joint administration group political assistants. Information may be provided to the journalist verbally, or, if requested, in a written statement.

If requested in a written statement, the portfolio holder and/or political assistant will always be invited to clear. Time restrictions will be shared at the time and should the time pass, the relevant Director or AD will be invited to clear.

However, the communications team will copy the Portfolio Holder / Political Assistant into the email to officers regarding an enquiry, and ensure a quote is provided at the earliest opportunity (if appropriate).

The relevant Executive Member (including the Leader/Deputy Leader as appropriate) will always be involved in the response to reactive queries relating to policy, political issues, priority areas detailed in the council plan or matters of controversy, even if it is decided an officer-only response is appropriate.

In these cases, the communications team will:

- Work with the most appropriate officer(s) to establish the facts and source the information required for the response.
- Draft a proposed response and share this with the relevant officer(s), the relevant Executive Member/Leader/Deputy Leader and the Political Assistant at the earliest opportunity for feedback. Any deadlines should be made clear at this stage.
- Liaise with the relevant Executive Member/Leader/Deputy Leader and the Political Assistant and make any amends as necessary and once clearance has been agreed by both offices, the response will be published.
- Forward a copy of the final response to officers and/or portfolio holders as appropriate.
- If there is any doubt to the correct approach to a response, advice will be sought from the Head of Communications and/or the Political Assistant.

The Executive Members and their areas of responsibility are listed on the council website: www.york.gov.uk/Executive.