

SL(6)137 – The Code of Recommended Practice for Local Authority Publicity

Background and Purpose

The Code of Recommended Practice for Local Authority Publication (“the Code”) provides guidance on the content, style, distribution and cost of local authority publicity. The Code is being updated and revised to reflect changes that have taken place since the last Code was issued in 2014.

Local authorities, defined in section 6(2) of the Local Government Act 1986, are required by section 4(1) of that Act to have regard to the Code in coming to any decision on publicity. “Publicity” is defined in section 6(4) of the 1986 Act as “any communication, in whatever form, addressed to the public at large or a section of the public”.

It is intended that the revisions to the Code will be made and come into force no later than 18 March 2022.

Procedure

Draft Negative.

The Welsh Ministers have laid a draft of the Code before the Senedd. If, within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the draft being laid, the Senedd resolves not to approve the draft Code then the Welsh Ministers must not issue the Code.

If no such resolution is made, the Welsh Ministers must issue the Code (in the form of the draft) and the Code comes into force on a day specified in an order made by the Welsh Ministers.

Scrutiny under Standing Order 21.7

The following points are identified for reporting under Standing Order 21.7 in respect of this code.

1. The 2014 version of the Code makes clear that it is a revision of a previous Code. For example, the first paragraph of the 2014 Code refers twice to the Code being a revision. However, this distinction is not made in this version of the Code, which instead merely refers to the Code being issued. This distinction is important as the negative procedure only applies where the Code is revised, in accordance with section 4(6) of the Local Government Act 1986. Whilst it is noted that the Explanatory Memorandum makes clear that the Code is a revision, clarification is sought as to why this version of the Code takes a different approach to the 2014 Code by not making clear that it is a revision.



2. Paragraphs 34 and 42 state that any material produced should “*have regard*” to the Equality Act 2010 and should be produced “*in accordance*” with the Welsh Language (Wales) Measure 2011. Clarification is sought as to why material should be produced “*in accordance*” with the 2011 Measure but only “*have regard*” to the 2010 Act.
3. Paragraph 19 of the Code refers to “*section 142(A) of the 1972 Act*”. It appears that this should read “*section 142(1A) of the 1972 Act*” (emphasis added). This error also occurs in the Welsh language version of the Code and appears to have been carried over from the 2014 version of the Code.
4. We note the following inconsistencies between the English and Welsh versions of the Code:
 - a. In paragraph 7, the Welsh version refers to regular review of strategies. However, the English version refers to reviews (not regular reviews);
 - b. In paragraph 20 of the Welsh version, it appears that “*prif aelod etholedig o’r cyngor*” should read “*aelod etholedig o’r prif gyngor*”;
 - c. In paragraph 26, the Welsh version refers to “*a/neu ddenu rhai newydd*”. However, the English version refers to “*or attract new ones*” (not “*and/or attract new ones*”).

Government response

A Welsh Government response is required in relation to points 1 to 3 above.

Legal Advisers

Legislation, Justice and Constitution Committee

26 January 2022

