

Aberdeen City Council
Communications Policy

6th September 2017

A Policy guiding Communications best practice for Aberdeen City Council

1. Introduction

- 1.1** Councils provide a vast array of services and have a vital role to play in the economic, social and cultural fabric of the communities they serve. There are expectations about how Councils conduct their business and how they develop and promote services. This requires the use of clear and strong specific communications, some of which are provided corporately.
- 1.2** This Policy sets out the purpose, methods and extent of external Council communications activity. Whilst it does not cover the political communications of Councillors it sets out a clear guide as to when and how Councillors are quoted in communications and publicity material.
- 1.3** It is a guide intended for implementation in the main by Council officers and utilises the relevant legislation, guidance, the Council's standing orders and best practice examples.
- 1.4** This document supersedes previous Aberdeen City Council policies and practice on this matter, though it does incorporate relevant and appropriate elements of the following documents:
- *Social Media and Online Policy Guidelines* (EPI/11/275 22.09.11)
 - *Roles and Responsibilities* (CG/13/027 06.03.13)
 - *Member Officer Protocol*

2. Legal and regulatory framework

- 2.1** One of the principal drivers of communications practice is the 1988 *Code of Recommended Practice on Local Authority Publicity* produced as statutory guidance using section 4 powers from the Local Government Act 1986 as amended by section 27 of the Local Government Act 1988.
- 2.2** Section 4 provides for the issuing of codes of recommended practice as regards the content, style, distribution and cost of local authority publicity. That section as amended requires that local authorities shall have regard to the provisions of any such code in coming to any decision on publicity.
- 2.3** Care must be taken to ensure the regulatory provisions outlined below are adhered to at all times and that communications output is objective, factual and politically neutral.
- 2.4** As a result of the issue of the bonds by Aberdeen City Council on the London Stock Exchange in 2016, there are additional external reporting and notification requirements which are laid down in the Market Abuse Regulations and by the London Stock Exchange and the Financial Conduct Authority.

2.5 In addition all of Aberdeen City Council's Communications and Promotion activity must pay particular regard to the following legislation and codes of relevant bodies:

- *Local Government (Scotland) Act 1973;*
- *Data Protection Act 1998;*
- *Human Rights Act 1998;*
- Section 125 of the Political Parties, Elections and Referendums Act 2000
- Section 2 of the Local Government Act 1986 (prohibition of political publicity)
- Part 3 of the Communications Act 2003
- Advertising Standards Authority's Advertising Codes
- Copyright legislation
- The IPSO Editors' Code of Practice or that of any subsequent approved press regulatory body
- Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (EIRs);
- Defamation legislation;
- The Local Government in Scotland Act 2003;
- Equality Act 2010
- *Regulation (EU) No 596/2014 of the European Parliament and of the Council on Market Abuse*
- *London Stock Exchange*
- *Financial Conduct Authority*

2.6 Key elements of the 1988 Code of Recommended Practice on Local Authority Publicity are reproduced below.

2.6.1 "Local authorities are accountable to their electorate. Local accountability requires local understanding. This will be promoted by local authorities explaining their objectives and policies to their electors and ratepayers. In recent years authorities have increasingly used publicity to keep the public informed, and to encourage greater participation. Local authorities also need to tell the public about the services which they provide. Increasingly, local authorities see the task of making the public aware of the services available as an essential part of providing all kinds of services. Good, effective publicity, aimed at improved public awareness of a Council's activities is to be welcomed. This Code is not intended to discourage such publicity". (*Code of Recommended Practice, introduction, paragraph 2*).

2.6.2 "Any publicity describing the Council's policies and aims should be as objective as possible, concentrating on facts or explanation or both". (*Code of Recommended Practice, paragraph 12*).

2.6.3 "Publicity relating to the provision of a service should concentrate on providing factual information about the service". (*Code of Recommended Practice, paragraph 14*).

2.6.4 "Publicity campaigns by local authorities are appropriate in some circumstances: for example, 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 race relations". (*Code of Recommended Practice, paragraph 18*).

2.6.5 Councillors and officers will be mindful of the obligations set out in the Councillor's Code of Conduct (3rd edition – December 2010) published by the Standards Commission for Scotland. In particular section 3.16 details restrictions on the use of Council resources.

2.6.6 Guidance is produced on behalf of the Chief Executive which details how Council activity should be adjusted during the defined pre-election period. In essence activity perceived to offer support to a political group should be avoided and what this means in practice is set out in section 4.11.

2.6.7 More generally, section two of the Local Government Act 1986 as amended by the Communications Act 2003 provides that "A local authority 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".

3. Definition of Communications activity

3.1 Communications is defined as activity involving communication in whatever form, addressed to the public at large, a section of the public, the Council at large or a group within the Council.

3.2 Section 6 of the Local Government Act 1986 defines publicity as:

"Any communication, in whatever form, addressed to the public at large or to a section of the public". The Code will therefore be relevant across the whole range of local authorities' work. It covers all decision by a local authority on publicity and most public relations activities, such as paid advertising and leaflet campaigns, and local authority sponsorship of exhibitions and conferences, as well as assistance to others to issue publicity." (*Code of Recommended Practice, introduction, paragraph 6*).

3.3 For Aberdeen City Council communications and publicity activity is often expressed through, but not limited to, the following channels and tools:

- The Council website, resident newsletters (i.e. Newsbite), the intranet (The Zone) and cross Council email messages including management briefings
- Social media channels
- Externally hosted but council utilised and procured websites, portals, extranets, text messaging services and apps
- Consultation tools (including Survey Monkey)
- Bespoke leaflets and posters
- Reports requiring design, printing and distribution support
- Advertising and sponsorship (including of external events and conferences)
- Campaigns regarding services and local issues
- Working with the media (local, trade, regional, national and international print and broadcast)

- Regulatory Information Services

3.4 All of the above activity must be channelled through the relevant team. Teams involved in the primary communication activity are: External and Internal Communications (within the Office of Chief Executive); Design and Marketing (Office of Chief Executive); Digital Engagement (IT and Transformation, Corporate Governance); City Events and City Promotions (Economic Development, Communities Housing and Infrastructure).

It is the responsibility of all managers to ensure this is adhered to so that the Council can ensure communications activity is compliant with all relevant laws and policies. Some communications channels – such as the schools text messaging service – are devolved to the service but they are still subject to the same rules on the use of publicity. In all cases the simplest method to ensure compliance is to ensure that desired communications channels and particular communication campaigns are added to the corporate communications planner maintained by External and Internal Communications.

Each directorate is assigned a member of the External and Internal Communications team to support this coordination. All communications activity will be compliant with the ‘Code of Recommended Practice on Local Authority Publicity’ (1988) (‘the Publicity Code’). If there is doubt as to whether proposed activity is compliant then legal advice must be sought. Where the Publicity Code does not specifically mention particular aspects of ‘regular’ communications activity (website, social media) then the Council will develop specific protocols for their management based on best practice and existing guidance from inspection bodies.

3.5 In general terms this policy will not apply to ALEOs and other arm’s length bodies such as external joint committees. However council staff operating across a range of organisations will be expected to adhere to the Council’s policy. Partnership organisations may well develop Service Level Agreements and communication protocols with Aberdeen City Council to cover joint communications. All such agreements on communications will require the input of the Council’s Communications and Promotion service.

4. Putting statute, guidance and regulation into practice

4.1 Working with the media and Regulatory Information Services

4.1.1 In general terms quotes used in media releases or statements concerning policy direction and committee decisions will be from the following:

- Council Co-Leaders
- Relevant Conveners or Vice Conveners
- Directors or Heads of Service

4.1.2 Quotes concerning civic matters will be from the Lord Provost or the Depute Provost.

- 4.1.3 In the event of civil emergencies or significant failures, and in line with the Chief Executive's role as chair of the Local Resilience Partnership (LRP), the Chief Executive will decide on the use of appropriate spokespeople according to the needs of specific situations.
- 4.1.4 In the case of operational matters (for example road closures) and in matters of fact and technical interpretation, or in the case of extremely short media deadlines where a lack of response would be detrimental to the Council's reputation, a Council spokesperson may be quoted. This competency will be held by the External and Internal Communications Manager.
- 4.1.5 Where the External and Internal Communications Manager is referenced in this policy it is understood to include communication and promotion staff members nominated by him/her or, in his/her absence, nominated by the Chief Executive, Head of Service Office of Chief Executive or the Duty Emergency Response Coordinator (DERC) in specific circumstances.
- 4.1.6 Exceptions to 4.1.1 include the use of employee quotes in case studies for recruitment advertising and where a designated employee holds a specific competency or technical knowledge relevant to the activity (for example museum and gallery curators).
- 4.1.6 In most circumstances the External and Internal Communications team will be unable to support the media requirements of ward Councillors, although may be able to offer general advice on the approach to be taken.
- 4.1.7 Where a media enquiry is about a particular Councillor the External and Internal Communications team will in most circumstances inform that Councillor, and where appropriate, the relevant group leader.
- 4.1.8 Roles and Responsibilities in relation to media handling are set out below. All staff are expected to contact the External and Internal Communications team when contacted by the media and are not authorised to issue statements or comments directly unless identified in the specific circumstances below.

The Council Co-Leaders

- The Council Co-Leaders will be quoted in media releases or statements where the matter is of Council-wide significance or crosses several portfolio areas. The Council Co-Leaders will also be quoted when another Portfolio Holder is unavailable.
- In the event of the Council Co-Leaders both being unavailable, another Senior Councillor will be quoted.
- The Council Co-Leaders will keep the External and Internal Communications team informed of significant media activities being organised by individual Councillors under their leadership or on behalf of any group of Councillors under their leadership.

The Lord Provost

- The Lord Provost leads on all civic matters and approves all media activity on behalf of the Civic Office. The Lord Provost may appoint a representative, such as a Depute Provost or Baillie. Comment from the Lord Provost and representatives should be objective, factual and politically neutral.

Conveners

- If the Council receives a media enquiry about policy direction and committee decision, the External and Internal Communications team will discuss the issue with the relevant Head of Service (or a Service representative) and work with them as appropriate to agree a statement or quote.
- Conveners will be quoted in relation to activity and decisions in their portfolio areas, with the exception of some operational matters as referenced in 4.1.4.
- They are supported in their portfolio role and not in their role as a member of a political party or as a ward councillor. The Convener will have approval of all quotes in their name.
- Where the Convener is not available, the Vice Convener will be contacted.
- In the absence of the Convener or Vice Convener, the Council Co-Leaders can be quoted or take part in media activity.

Chairs of Committees, Boards, Panels and Steering Groups

- Conveners and chairs of Committees, Boards, Panels and Steering Groups may be supported by the External and Internal Communications team in these roles.

Chief Executive

- In some circumstances, it may be appropriate for the Chief Executive or another senior officer to take part in media activity, for example, issuing a statement on reputational, disciplinary or operational matters.
- The Office of Chief Executive is responsible for alerting the External and Internal Communications team and Council Leader promptly to any issues that may be of media interest. This will also apply to other group leaders as appropriate.

The External and Internal Communications team and related teams

The External and Internal Communications team handles media enquiries and issues media releases and statements on behalf of the Council. Other teams with a dedicated communications function (for example the City Centre Masterplan) can issue media releases and statements but must seek approval from the External and Internal Communications Manager in addition to the usual approval process.

Approvals Process

- Media activities will be decided by the External and Internal Communications Manager on behalf on the Council. In most circumstances this will be done following consultation with the Council Co-Leaders or relevant Convener and senior officers.
- On matters of policy and service performance most media activity requires Councillor and officer sign-off before issue. This will involve the relevant Convener or the Chair of a Committee, Board, Panel or Steering Group, as well as the Head of Service (or a service representative). When deadlines are pressing, media activity for the Council can be signed off by the External and Internal Communications Manager or other nominated person as per sections 4.1.3 and 4.1.4.
- Media activity dealing with controversial or legal matters, including court cases, will also be reviewed and approved by the Council's Legal Services in addition to the relevant officer and Convener.
- Media activity concerning Aberdeen schools is undertaken with the agreement of the Headteacher and following consultation with a service representative for Education and Children's Services.

4.2 Bond governance

4.2.1 To adhere to the regulations listed in 2.4, the Council is required at certain points in time to make inside information public through the London Stock Exchange's Regulatory News Service (RNS). Inside information is defined as information which relates directly or indirectly to ACC or any of its group entities which has not been made public, is precise and if it were made public, could have a significant effect on the prices of one or more of the Council's bonds. The Council has a duty to ensure that communication of this nature is issued through the LSE's Regulatory News Service (RNS).

4.2.2 The Internal and External Communications manager, following consultation with senior officers, will be responsible for identifying communications which require to be announced through the RNS. In most circumstances those individual communications will be highlighted to the Council Leader and relevant committee Convener. Final approval of communications identified as requiring RNS distribution will be granted by the Head of Finance following consultation with the Head of Legal and Democratic Services.

4.2.3 In terms of the Market Abuse Regulations (MAR), Inside Information must be announced as soon as possible and may only be delayed where certain conditions are met. Where the Council has delayed disclosing Inside Information in accordance with MAR Article 17, the Council must notify the Financial Conduct Authority of the delay immediately after publicly disclosing the information. This decision to delay disclosure and take the necessary steps to do so will be taken by the Head of Finance.

4.3 Committee reports and publicity

- 4.3.1 In many cases publicity will be timed to coincide with the conclusion of a formal committee or Council decision.
- 4.3.2 In some cases it may be more appropriate to promote a particular committee report in advance of the committee or Council decision. This is exclusively reserved for reports that contain a clear officer recommendation or range of recommendations.
- 4.3.3 In such circumstances Council publicity is restricted to explaining the content of the report and will frame the text in such a way as to make clear that this is simply a recommendation to committee and no decision has been made.
- 4.3.4 Given the factual content of the material any quotes will be in the name of an officer or a Council spokesperson.
- 4.3.5 Representatives from the External and Internal Communications team will attend most committee meetings to report the outcomes of selected agenda items via media releases and through the Council's own digital channels. Agenda items reported will be agreed in advance with the relevant convener where possible or by the External and Internal Communications Manager.

4.4 Campaigns and Advertising

- 4.4.1 The Code sets out that it may be appropriate for local authorities to embark upon campaigns and advertising for a range of reasons. Please see sections 2.4.4 above.
- 4.4.2 Ultimately the decision to proceed will be based on an assessment of the appropriate use of such resources balanced against the intended positive impact of such publicity. Council staff must approach the External and Internal Communications team or Design and Marketing Team before embarking upon publicity campaigns and the service will advise on any relevant matters including the appropriate use of resources, timing and the channels to be used.
- 4.4.3 Consideration of the channel to be used is imperative, for example Ofcom via the Broadcasting Code has a very strict interpretation of the rule forbidding the promotion of political matters and generally do not allow the use of politicians in broadcast adverts.

4.5 Publications and Brand Guidelines

- 4.5.1 The Marketing and Design team holds Brand Guidelines. All Council staff must adhere to the guidelines and seek advice from the Marketing and Design Manager about the most appropriate application of branding in publicity material.
- 4.5.1 Approval of promotional material (for example print collateral, brochures or advertisements) is the responsibility of officers in the commissioning service and does not require approval from elected members.

4.6 Use of social media, Apps and websites

- 4.6.1 As set out in paragraph 3.7 above the Publicity code was written prior to the advent of website, Apps and social media channels. The Code does however provide a clear framework for the approach to decision making on who to quote.
- 4.6.2 For instance paragraphs 39 to 42 of the Code give clear guidance that leading members can be quoted in communications. The Code states:

“In the interests of public accountability, however, it may be appropriate to give publicity to the views or activities of individual members when they are representing the Council as whole: for example, when the chairman of a Council speaks or acts as the first citizen of the whole community, or when a chairman of a committee opens a new scheme or launches a policy approved by the Council or by his committee on the Council’s behalf”. (Paragraph 40)

“For the same reason a local authority may justifiably in certain circumstance issues press releases reporting statements made by individual members. Examples of cases where such press releases may be appropriate are as reports of the discussion at the meetings of the Council or committees, or quotation s of comments made by leading members of the Council in response to particular events which call for a particularly speedy reaction from the Council”. (Paragraph 41)

- 4.7 For this reason key post holders such as the Co-Leaders of the Council will be supported in maintaining a blog presence as part of their official capacities as Council Co-Leaders. The content of the blog will abide by the principles as set out in section 2.4
- 4.8 Social media, App and website channels used by Council staff will be coordinated by the IT and Transformation service, who will maintain all passwords and usernames..
- 4.9 It is important that staff contact a member of the IT and Transformation prior to using or procuring any new social media, App or website channel. Using existing corporate accounts may be more effective and in addition it aids the coordination and integration of council communications activity.
- 4.10 Advice on the use of social media by Councillors is contained in the Guidance to the Councillors’ Code of Conduct issued by the Standards Commission.

4.11 Communications activity during elections and formal pre-election period

- 4.11.1 During the period between the publication of the notice of election until polling day, inclusive of both days, there is the need for heightened sensitivity to ensure that public resources are not used in any way that might prejudice the result of an election. In general terms proactive publicity that can be delayed until after the pre-election period should be delayed. That said the normal

business of the authority can continue but it might do so without a quote from Councillors. (See paragraph 43 of the Publicity Code)

- 4.11.2 Precise decisions about publicity activity during pre-election periods are determined by the level of election and scale of election. For instance where elections are held for all wards in a local election use of leading Councillor quotes will be limited to civil emergencies. Where however there are local by-elections, authority wide publicity can continue but care should be taken to avoid the appearance of support for a particular political party or candidate. Specific ward level publicity in wards where there are due to be elections will be avoided.
- 4.11.3 Electoral practice allows for corrections in matters of fact to be published by the authority but this will be used under advisement.
- 4.11.4 Additional guidance will be sought from the Monitoring Officer, the Returning Officer (or Depute Returning Officers) and Electoral Commission as and when required.
- 4.11.5 During referenda consideration will be given to the impact this may have on the content of Council communications. Guidance and best practice advice will be sought from the Electoral Commission where required.

4.12 Use of photographs and videos

- 4.12.1 Photographs and videos are Council resources and cannot be used for party political purposes. For this reason photographs and videos taken during official Council business will only be made available directly to members on the understanding that they are not to be used for party political purposes. Permission to use images of leading Councillors is implicit when such Councillors take part in Council activity and publicity events.