

# ANNEX

## STANDARDS COMMITTEE PUBLICITY PROTOCOL

### **A. Introduction**

This protocol does not seek to replicate unnecessarily the publicity issues dealt with in the Procedure for Local Standards Hearings. It is primarily aimed at providing a framework for dealing with Press queries outside the context of any Standards Committee hearing.

Under Article 8 of the European Convention on Human Rights everyone has the right to respect for their private and family life. This may be interfered with if authorised by law and if it is necessary in a democratic society in the interests of, amongst other things, protecting people's morals (which would include protecting standards of behaviour in public life).

Article 10 deals with the right to freedom of expression which, again, can only be interfered with as prescribed by law for specific purposes including the protection of morals, the protection of the reputation or rights of others and for preventing the disclosure of information received in confidence.

There should be a presumption that hearings will normally be held in public. However, that is not necessarily the right approach for dealing with publicity about allegations of misconduct prior to a hearing.

### **B. Allegations**

Allegations about breaches of the council's code of conduct for members must be referred to the Standards Board for England. The council will not comment on whether or not allegations have been made to the Board and any Press queries will be directed to the Board.

### **Who comments on behalf of the Committee**

It would be sensible for there to be one spokesperson for the Standards Committee to whom all queries are directed from the Press. This would normally be through the Communications team. Such an arrangement helps to ensure that a consistent message is given to the public.

The Code of Practice on publicity makes it clear that it is appropriate for committee chairs to issue press releases and comment on particular events which call for a speedy reaction from the council.

Therefore, the Chair of the committee will be the only member who comments in the Press on cases about the council's code of conduct for members. In his/her absence the Vice-Chair will take on this role. In this document the expression "the Chair" means the Chair of the Standards Committee and in their absence the Vice-Chair.

Except where the situation is one of such urgency that to do so is not feasible the Chair will not respond to press queries or issue press releases without first consulting the Monitoring Officer and the Communications team.

### **Pre-hearing issues**

The Chair will respond to Press queries which relate to cases that have been referred by an Ethical Standards Officer to the council for local determination. The Chair will confirm the broad nature of the allegations that will be the subject of the substantive hearing but will not give further details about the allegations. Factual information such as the likely date of a hearing will normally be given if asked for, even when the hearing is to be held in private.

## **C. The Hearing**

### **Exempt information**

The categories of exempt information are set out in the Procedure for Local Standards Hearings. The committee has discretion to exclude the public from a hearing when such issues are discussed. The Standards Committee will normally exclude the public from its deliberations in reaching any findings.

Documents containing exempt information dealt with in private at the hearing will not generally be made public. Any Press release following a hearing should not contain this information either.

### **Public or private hearings**

The Standards Board recommends that where possible hearings should be held in public. However, it acknowledges that there will be occasions where it is appropriate to deal with all, or part, of the hearing in private.

There are conflicting human rights issues to be balanced. There is a clear public interest in promoting the integrity and honesty of public authorities and public confidence in them. Therefore the Standards Board recommends that hearings should be held in public unless the Standards Committee decides that protecting the privacy of someone involved is more important than the need for a public hearing.

### **Defamation**

Comments made by a member or officer during a committee meeting will generally attract quasi-privilege and, therefore, be protected from defamation proceedings. However, the same does not apply to comments made to the press outside the meeting so it is important that any such comments are cleared through the council's Communications team or Legal Services.

In general any such comments should be confined to statements of fact. Where you are asked for an opinion you should decline to give one.

Quasi-privilege in committee meetings does not apply if comments are made maliciously.

#### **D. Press Notices**

Under paragraph 8 The Local Authorities (Code of Conduct)(Local Determination) Regulations 2003 the findings of a Standards Committee hearing must normally be published in one or more local newspapers. Where the committee finds that a member did not breach the code of conduct a notice will not be published if he/she objects.

The notice will identify the member concerned, the fact that they have been found to have breached the code, the details of that breach, the reasons for the committee's findings, specify the sanction imposed and state that the member can apply for permission to appeal to the president of the Adjudication Panel.

Any press release from the Chair of the committee will confine itself to the issues that should be contained in the press notice. Where the committee finds that a member did not breach the code of conduct a press release will not be issued if he/she objects.