



**COUNCILLOR MATTHEW  
PATRICK**

**CABINET**  
**Monday, 27 June 2016**

**KEEPING RESIDENTS INFORMED**

**Councillor Matthew Patrick, Cabinet Member - Community Engagement and Communications, said:**

“Wirral Council has a duty to keep its residents well informed about the community and the services available to them. At a time of such change in the public sector as a whole, this duty has never been more important.

“Our Residents’ Survey last year told us very clearly that people in Wirral did not feel well informed: which made it clear to us that we needed to prioritise improving communication with residents.

“This report allows us to communicate more effectively with every resident in Wirral and, importantly, helps us to do it while achieving financial savings – improving our communication, getting important information to more people, while reducing what we currently spend.”

## **REPORT SUMMARY**

This report proposes that Wirral Council launches a monthly publication, containing community and public service information, which will be distributed to every household and every business within the borough.

This proposal is a direct response to the findings of the Wirral Residents' Survey in 2015; one of the key findings of which was that Wirral residents did not feel well informed about services and information in their area.

The publication would be funded through consolidating a proportion of the Council's current advertising spend and accepting advertising which, combined, allow the Council to significantly improve its ability to communicate with all residents while making cumulative savings on existing advertising costs.

Therefore, no 'new' expenditure would be incurred through the development of this community newsletter: it would be funded entirely through consolidating and making better use of existing, required spend.

This report affects all wards in the borough and is not a key decision.

## **RECOMMENDATION/S**

Cabinet is requested to:

- 1) Agree the approach for developing a monthly publication, distributed to every household and business in the borough set out in the report.
- 2) Note the projected financial savings associated with this project, outlined for Cabinet in section four of this report.
- 3) Authorise officers to take all necessary steps including requisite procurement exercises in order to progress the proposal for a monthly publication as outlined in the report with a view to delivering the first edition in late autumn 2016.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 Through the Wirral Residents' Survey 2015 the Council is aware that residents do not feel well informed about services and developments within the borough. The Survey indicated that in this area Wirral performed significantly worse than other comparable authorities and highlighted "keeping residents informed" as an area which should be prioritised.
- 1.2 This proposal is a direct response to this recommendation and the survey findings. The Council is in a position where it is able to reinvest a proportion of current advertising costs into the development of a printed publication, containing public service information and community news, which would be delivered to every resident and business in the borough. Keeping residents better informed while at the same time achieving financial savings for the authority.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 The Council has identified "keeping residents informed" as a major priority for the coming year, made even more important by the changing nature of public services and the potential for further change in the coming years due to ongoing financial challenges.
- 2.2 It is not appropriate for the Council to respond to this need through investing additional resources into communications activity, particularly in a time of ongoing austerity policies from Central Government. Instead, we must make better use of the resources currently invested in communicating with residents. Redirecting a proportion of those funds into the creation of a printed publication can achieve this.

### **3.0 BACKGROUND INFORMATION**

- 3.1 This project will see the Council develop and launch a publication, designed to improve how informed residents are about community information, public services and developments. The publication will be delivered to all 147,000 Wirral households, all 7,500 Wirral businesses and see an additional 15,000 copies distributed to high-footfall locations such as supermarkets, hospitals and train/bus stations. We will additionally develop a new website to carry similar information as well as make better use of social media and other digital channels.
- 3.2 The project is designed to achieve an improvement in how well informed Wirral residents feel about services and community information, helping to connect our communities. It will also allow the Council to both decrease and make better use of funding which is currently used to communicate with residents through advertising for various services and requirements.

#### Keeping Residents Informed

- 3.3 The Council commissioned a robust and comprehensive programme of market research in late 2015, in order to more fully understand what is most important to

residents, and what they feel about the borough, the Council and public services in general. This research delivered some hugely valuable insight into what residents want and need from their public services, and has also provided some powerful findings with profound communications implications.

3.4 The Wirral Resident Survey findings are available on the Council website at [www.wirral.gov.uk/wirralplan](http://www.wirral.gov.uk/wirralplan). Some key findings relevant to this proposal include:

- The majority of residents (58%) do not feel that the council keeps them well informed about the services it provides. This is significantly greater than any of the other comparator authorities, where the average is 43%. The Ipsos Mori findings were clear that communicating with residents is an area which should be prioritised in the future.
- Residents living in Wirral West are significantly more likely to state that they feel well informed (51%) about council services and the benefits it provides, although a similar proportion (49%) does not feel well informed. Those who are more likely to say they are not informed are female (62%), young people (18 to 34 – 71%) and private housing tenants (71%).
- Residents living in Birkenhead and Wallasey were most likely to state they did not feel informed (Birkenhead – 64%, Wallasey – 60%) about council services and the benefits they provide.

(Source: Ipsos Mori Wirral Residents' Survey 2015. Available at [www.wirral.gov.uk/wirralplan](http://www.wirral.gov.uk/wirralplan))

3.5 We are aware existing publications do not reach all Wirral residents through their distribution; with information available suggesting around 1 in 3 Wirral households do not receive a local newspaper or similar publication. We are also aware that while internet usage is growing, not all residents are able or inclined to visit websites to find out about local information relating to public services, events and activities.

3.6 It is due to these reasons the Council believes a new publication which will be available to every Wirral resident, as well as increased and improved digital communications across a redeveloped website and social media platforms, is appropriate and reasonable in order to meet our primary objective of keeping all Wirral residents well informed.

3.7 The Council has held discussions and met with a range of other authorities in order to gather best practice on keeping residents better informed and has come to the conclusion that a new publication, combined with a redeveloped approach to online communications (through a new website and approach to social media), and a new programme of engagement and outreach will be the most effective approach to ensure residents are well informed

3.8 Making sure residents are well informed about services and community information is paramount, especially at a time of such fast-paced change to how services are provided. Delivering a major, sustained improvement in how well informed residents are is the primary driver behind the proposal to develop the publication.

- 3.9 It is important to the Council and the public and voluntary sectors in general that all residents have easy access to important information about the services available to them, particularly those residents in areas of increased economic deprivation.

#### Publication Content

- 3.10 The publication will not compete with the existing local media publications in Wirral. The publication is designed to operate within a different space to existing media publications in the borough, in that it will publish on a monthly (rather than weekly) basis and will operate with an overwhelming focus on community and public service information, and with a different approach to content and design. The new publication will not carry 'news' in the traditional sense, but it will instead carry relevant, positive and useful information relating to public services, and community events and activities.
- 3.11 The content within the publication will conform entirely to the standards laid out in the Recommended Code of Practice for Local Authority Publicity ("the Code") set out at Appendix 1 in that it will be even handed, non-political, and appropriate, have regard to equality and diversity and be issued with care during periods of heightened sensitivity. The financial projections provided in section 4 of this report also demonstrate the Council achieving best value. The Council acknowledges this publication will involve a departure from the Code in regards to frequency. In the Council's view this is appropriate and reasonable considering the issues we are looking to address. Moreover given the content of the publication will consist of public service information, events and activities, it would not be possible to keep it sufficiently informative based on a quarterly publication.
- 3.12 The publication will be clearly identified as being produced by the Council and will not present itself as an independent media source; it will focus on community and public service information which residents will find useful and relevant to their lives.
- 3.13 The publication will include an events listing for community events and activities, and community organisations, charities and residents groups will be actively encouraged to share their news, activities and information with the Council for inclusion within the publication.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The Council spends in the region of £500,000 per year on various forms of advertising and promotion: primarily promoting services and events, recruiting staff and the placement of statutory notices. It is proposed that all of this spend is reviewed, with a proportion of the funding being redirected into supporting the delivery of the new publication, allowing the Council to continue the advertising it needs to publish, while ensuring a greater emphasis is placed on securing good value for money. This would result in the Council ceasing some advertising with external organisations.

- 4.2 This would ensure the publication is delivered at no extra cost to the tax payer. The publication would be funded, entirely, from redirecting existing spend into a new publication which is designed to allow the Council to achieve its primary objective for this project – keeping Wirral residents better informed. The Council would also accept advertising within this publication, to allow for the costs to be reduced on an ongoing basis. Advertising accepted within the publication will conform to legal, ethical and public health related principles.
- 4.3 The publication requires no new investment. The indicative costs of the publication are provided below. It is important to note that the ‘Full Cost’ provided is cost which the Council already incurs and will be redirected into the publication, allowing the Council to seek and achieve better value for money.
- 4.4 The income stated is in the form of advertising income targets which the Council will work to achieve. There is a high degree of confidence these income targets will be achieved, based on the success of outdoor advertising developed by the Council and based on conversations with other authorities about similar publications. Non-delivery of these advertising targets would result in potential overspends in the communications and marketing budget.

<b>Year</b>	<b>Full Cost</b> Re-directed current advertising spend.	<b>Income</b>	<b>Net Cost</b>
2016-17*	£118,980	£39,000	£79,980
2017-18	£237,960	£85,800	£152,160
2018-19	£237,960	£94,380	£143,580
2019-20	£237,960	£103,818	£134,142

\* 6 editions are planned and budgeted for in 2016-17.

## **5.0 LEGAL**

- 5.1 Under s 4 of the Local Government Act 1986 (“the 1986 Act”) the Secretary of State is empowered to issue codes of recommended practice as regards local authority publicity, and local authorities must “have regard” to the provisions of such a code in coming to any decision on publicity.
- 5.2 The Code at paragraph 28 in effect imposes three prohibitions:
- (i) First, the Council cannot publish anything that seeks to emulate commercial newspapers in style or content;
  - (ii) Secondly, the Council cannot publish a “newsletter, newsheet or similar communication” more frequently than quarterly;
  - (iii) Thirdly, if the Council does publish a (quarterly) newsletter, newsheet or similar communication, it must not “include material other than information for the public about the business, services and amenities of the council or other local service providers”.

- 5.3 In relation to the first and third points, the Council is clear that the proposed monthly publication would not seek to present itself as an independent newspaper or media source. The publication would seek to promote public services, provide relevant and useful information to residents about public services, and enable community organisations and group to highlight their work in supporting their communities.
- 5.4 With reference to the second point, there is no relevant legal authority (i.e. caselaw) found on the meaning of “newsletter” or “newssheet”. However, those words are essentially used in the Code, alongside the reference to “other similar communications”, to indicate that the format of the publication is not critical. What is key is whether it has a news content. There is nothing in English authority that is sufficiently relevant in defining a “newspaper”, however there are some Australian cases that offer useful guidance, namely *John Fairfax & Sons Ltd v Deputy Commissioner of Taxation* (1988) 15 NSWLR 620 and *Downland Publications Ltd v Deputy Commissioner of Taxation* (1982) 64 FLR 216 and the cases cited in those judgments. They treat it as a question of fact and degree, but say that a newspaper is a publication containing a narrative of recent events and occurrences (i.e. news). News in that sense need not be all that it contains, nor even necessarily the greatest part by column inches (one could have a newspaper most of whose pages were occupied by advertising), but it should be the dominant or principal purpose or characteristic of the publication. So it has been held, for example, that daily form guides for racing are not newspapers.
- 5.5 The requirement for news content is the essential feature of a newsletter or a newssheet, and is needed for something to be a “similar communication” as well. That interpretation is also supported by the purpose (of protecting newspapers from unfair competition) that was the stated rationale for the introduction of paragraph 28 of the Code in its present form.
- 5.6 However, there are some reasons to think that in this particular context a fairly broad approach has to be taken both to what is news, and to what is sufficient news content. That is because “similar communication” obviously is a broadening phrase, and also because the last sentence of para 28 indicates that it is possible to be a newsletter, newssheet or similar communication, and yet contain only information about the business, services and amenities of the council or other local service providers. Again, the first sentence of para 28 indicates that the publication is possible to be a newsletter (etc) without being like a commercial newspaper.
- 5.7 In broad terms, the publication will be caught as a newsletter (etc) if it has a substantial amount of content that is topical because it informs readers about, or discusses, recent or current events. By contrast, a publication that is purely or overwhelmingly dedicated to providing information about matters which have no

real topicality about them should not be caught. This is a matter of fact and degree – it is not possible to draw a sharp dividing line.

- 5.8 The proposal is to ensure that the publication adheres to the Code in relation to its content and style, and would also adhere to the Code in relation to including material only for the purpose of providing information to the public about the business, services and amenities of the council or other local service providers.
- 5.9 There is a statutory requirement to “have regard” to the Code. The Code here does have parliamentary approval under the 1986 Act, and to publish a newsheet monthly rather than quarterly is quite a significant departure, albeit only from one point in the Code. As against that, the subject-matter of the Code is not comparable with guidance concerning (for example) the detention of patients under the mental health legislation. Further, the 1986 Act does contain mechanisms (in ss 4A and 4B) for the Secretary of State to make compliance with aspects of the Code mandatory if he considers it necessary to do so, which suggests that the “have regard” obligation should not be too stringently interpreted when those mechanisms have not been employed.
- 5.10 The caselaw about what to “have regard” to the Code means has recently been reviewed in *R (Governing Body of London Oratory School) v Schools Adjudicator* [2015] EWHC 1012 (Admin). What that review indicates is that having regard to a code or guidance does not mean that it has to be followed, but if an authority is to depart from it, then it needs to recognise that that is what it is doing, and to have formulated reasons for doing so. The extent to which those reasons need merely be ones that are *Wednesbury* reasonable on the one hand, or must attain a certain standard of cogency or convincingness on the other, depends in part upon how fundamental is the departure from the guidance, and in part upon the statutory context (e.g. whether the subject-matter of the guidance deals with fundamental matters such as personal liberty, and whether its content has the approval of Parliament).
- 5.11 The reasoning behind the proposal for a monthly publication, and therefore the departure from the Code, can be summarised as follows:
- (i) There is strong evidence to suggest that local residents do not currently feel well informed about local services, at a time when the need for significant savings means that the Council regards keeping residents informed as being particularly important;
  - (ii) Although there are two free local commercial newspapers that are currently distributed within the borough, the one with the larger circulation still does not reach around one-third of households.



There is evidence that about one-third of households do not currently receive any local newspaper, and there is believed to be a correlation between non-receipt and social deprivation (common sense suggests that distribution of free newspapers is indeed likely to be concentrated, for advertising reasons, on households in areas where disposable income is likely to be higher);

- (iii) The Council believes that to make the intended content of Wirral Life as useful as it should be (i.e. sufficiently topical), monthly publication is required;
- (iv) The Council believes that net financial savings can be achieved by publishing monthly, at a cost partly offset by commercial advertising, and reducing expenditure on other forms of advertising of services and statutory notices.

5.12 The Council has received advice from counsel on this matter.

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

6.1 The publication will be delivered through existing resources within the Council's communications and marketing division, and through a process of centralising costs associated with communications, advertising and promotion.

6.2 Subject to Cabinet approval the Council will seek to secure contracts with external agencies to deliver print, production and distribution to support delivery of the publication for a period of not less than 36 months.

## **7.0 RELEVANT RISKS**

7.1 A project management group has been established which will guide the Council's work towards delivering this project. An initial risk assessment has been developed and will be further built upon subject to Cabinet giving approval to move the project onto the next stage of its development.

## **8.0 ENGAGEMENT / CONSULTATION**

8.1 The publication will enable the Council to engage more effectively with community organisations, residents and partners; supporting people and communities to be better informed and connect with each other.

## **9.0 EQUALITY IMPLICATIONS**

9.1 There are many positive equality implications emerging from the publication. Every resident, regardless of demographic or geographic factors, will now be able to receive current, up to date and useful information on public services and activities within their community.

9.2 It is also clear from the research conducted last year that residents living in more economically deprived areas of the borough are more likely to say they are not well informed.

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## **APPENDICES**

Appendix 1 - Recommended Code of Practice for Local Authority Publicity

## **REFERENCE MATERIAL**

Ipsos Mori Residents' Survey ([www.wirral.gov.uk/wirralplan](http://www.wirral.gov.uk/wirralplan))

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>None</b>	<b>N-A</b>