

CLERKS REPORT - COMMS

Report to: Comms Committee / Full Council

Date of Meeting: 4 September 2017

Agenda item: 17/161i

Subject: Broadsheet Content, Autumn 2017 Edition

Purpose of report: To record reasons behind the decision to edit an article submitted for publication which contained unsubstantiated and potentially incorrect material.

Recommendation:

- i. that that report be noted
- ii. that the offer be made to run an edited article
- iii. that it be made clear that all articles for publication must be submitted via the Council Office rather than direct to the editor, as is the proper process.

Financial implications: High regarding compensation arising from legal actions against the Council

Legal implications: see below in body of report

Equalities impact: Low

Risk: see below in body of report, where risk is identified, analysed, and mitigated.

REPORT DETAIL:

BACKGROUND:

An article was submitted via the editor for inclusion in the autumn edition. It was duly inserted in its entirety, with front page coverage. The first draft of the autumn Broadsheet was uploaded to the printers for proof-production, which was then circulated via email to the proof-reading team, which comprises of some members of the Comms Committee, and the Parish Council Chairman and Vice Chairman. This was done via email on Mon 14/08/2017 13:39 with a deadline of 5pm on Friday 18th August for comments/amendments, and went to Cllr Chris Pepper, Cllr Henry Massey, Cllr Henry Gent, Judy Ferrier, Janvrin Edbrooke and the Parish Office.

On 15th and 16th August, concerns were raised by all 3 Members over the accuracy of some information contained in the article, and the question was raised if factually incorrect information is printed, and someone decides to take action against the publisher, who is liable?

RISK ANALYSIS

Part of The Council's Proper Officer's role is to ensure the Council operates in a manner which identifies and manages its risk.

Risk is defined as: an event or action which will adversely affect an organisation's ability to achieve its project plans or processes and thus to successfully execute its strategies.

Risk management is the process by which risks are identified, evaluated, and controlled, and outcomes:

- Improve the controls to reduce the probability or impact to acceptable limits (treat the risk)
- Insure against risk / outsource / design & build option for contracts (transfer the risk)
- Live with it, the risk is acceptable and additional controls would not be cost-effective (tolerate the risk)
- Do not pursue the course of action, the risk is unacceptable and cannot be economically mitigated to an acceptable level (terminate the risk)

In line with best practice, the Council has adopted a seven-step risk assessment process to support the implementation of risk management and help maintain impetus.

After considering the original article in accordance with Council's adopted Risk Management Policy and using the assessment matrix following conclusions have been drawn:

Assessment Impact					
		Financial	Reputation	Stakeholder	Community/ Customers
4	Major	£5001 - £10,000	Significant loss of trust and receives local media attention. Potential for lasting impact	Significant disruption to and opposition from stakeholders	Significant service disruption and community opposition. Threat of legal action.
5	Catastrophic	Over £10,000	Significant loss of trust and receives national media attention with potential for persisting impact.	Major disruption to and strong opposition from stakeholders who represent vulnerable clients	Major service disruption. Significant community opposition. Legal action. Long-term public memory.

STRATEGIC RISK: in the event of a successful claim against the Council, its ability to meet its financial commitments could be compromised

CLERKS ADVICE

After speaking with Council's solicitor and assessing the risk as set out above, the proof-reading team was advised via email on Wed 16/08/2017 16:17 as follows:

"The Council as a body corporate is responsible for content of any of its publications, be it a newsletter, website, social media post, etc. Although disclaimers are printed stating that the Council cannot be responsible for the content of external articles, and those external bodies submitting copy for publication are advised that the Council reserves the right to edit articles, it does not negate the Council from its liabilities. By running articles in its magazine, Council effectively endorses all of the content.

Having carried out a risk assessment and taking on board the advice from the Council's solicitor, I hereby strongly advise The Council not to publish anything which may be open to any legal challenge; the offence does not necessarily need to be actual, but how it is interpreted.

MITIGATION

All that said, we do live in a democratic society and the group should have copy space in the same way as any other community organisation. Another part of the Clerks' role is to try and mitigate risk where possible, and so I have therefore edited the original article, trying to keep the theme of the group's mission whilst removing unsubstantiated and potentially incorrect material.

There are 4 separate mentions of Traffic in the magazine. To avoid repetition and for readers to get a balanced view of the issue, I suggest a revised layout be considered which puts all the articles on adjacent pages. I appreciate this will mean a re-jig of the layout and possibly means a different front page, however it will flow better for readers and gives no party any advantage over another.

I respectfully await further instruction from the Senior Members of the Council."

An edited article, prepared by the Clerk and deemed acceptable by the Comms Committee Chairman, accompanied the email. The editor contacted the person who originally submitted the article to inform that an edited version would be included, but subsequently informed the Clerk that the article was to be withdrawn as its author wanted it published in its entirety or not at all.

This concludes my report to Council.

Angie Hurren

MILCM

Broadclyst Parish Council Clerk

17 August 2017

POST-SCRIPT

(Added 21 August 2017)

The Council received two FOI requests on Fri 18/08/2017: one at 15:53 as follows:

Dear Angie

I would like to submit the following freedom of information request:

For Broadclyst Parish Council and all of its elected members, and officers to provide all correspondence, papers and information relating to the submission, internal distribution, formal and informal comments, formal and informal review (legal, risk and otherwise) and subsequent editing of the article submitted by Liz Straw on behalf of Slow Broadclyst for publication. This includes where the article or any parts of its text was sent from personal accounts by officers and councillors to third parties (as these account are included in the legislation) or where officers or councillors made comment about the articles content.

I wish to see who was involved in the decision making around the article, what was said by whom and who the article was distributed to both in the council and to third parties.

I intend to publish this request and the response when received in full.

Many thanks

Karl

and another at 19:54 from the FOI service as follows:

Dear Broadclyst Parish Council,

For Broadclyst Parish Council and all of its elected members, and officers to provide all correspondence, papers and information relating to the submission, internal distribution, formal and informal comments, formal and informal review (legal, risk and otherwise) and subsequent editing of the article submitted by Liz Straw on behalf of Slow Broadclyst for publication. This includes where the article or any parts of its text was sent from personal accounts by officers and councillors to third parties (as these account are included in the legislation) or where officers or councillors made comment about the articles content.

I wish to see who was involved in the decision making around the article, what was said by whom and who the article was distributed to both in the council and to third parties.

Yours faithfully,

Karl Straw

The FOI requests will be processed in accordance with the Council's adopted publication scheme, which was adopted by the Council in February 2014 and is appended to this report.

NB: deadline for response is within 20 working days (Friday 15th September).

APPENDIX A – PUBLICATION SCHEME

BROADCLYST PARISH COUNCIL

Publication Scheme

(FREEDOM OF INFORMATION)

Introduction

Broadclyst Parish Council aims to be an open and fair organisation and welcomes enquiries from the public at all times.

Any member of the public wishing to apply for information relating to the Parish Council under the Freedom of Information Act is entitled to do so. The public has a right to know certain things from public authorities and it is the Parish Council's responsibility to make them available.

To request information a member of the public should write to the Council stating name, address and a description of the information requested. The requestor can ask to receive a copy of the information, a summary of it or they can come and inspect it themselves. Once the Council receives a written request then it has 20 working days to respond.

There are 24 exemptions in the Freedom of Information Act which may mean that the requestor does not receive their information; these include: defence, court records and national security (for the full list visit www.legislation.gov.uk). The Council is still obliged to respond within 20 working days and should explain why it is not able to disclose the information.

There are also some financial limitations to a request. If the Council intends to charge a fee for the information it must send the requestor a fee's notice within 20 working days. Broadclyst Parish Council bases its costs on 10p per page and £25 per hour to cover location and extraction of information. The Council can estimate the cost of providing information and if it exceeds the limit of £450 then the request can be refused. The cost will be estimated by determining whether the Council holds the information, as well as locating, retrieving and extracting it. The Council does not include in its costs time for considering whether the information is exempt, removing exempt information or copying/sending the information.

Signed

.....

Chairman of the Council

Date of Adoption of Policy

.....

Appendix

Information available from Broadclyst Parish Council under the model publication scheme

Information to be published	How the information can be obtained	Cost
Class1 - Who we are and what we do (Organisational information, structures, locations and contacts) This will be current information only		
Who's who on the Council and its Committees	Web Hard Copy – contact Parish Clerk	Free Free
Contact details for Parish Clerk and Council members (named contacts where possible with telephone number and email address (if used))	Web Hard Copy – contact Parish Clerk	Free Free
Location of main Council office and accessibility details	Web Hard Copy – contact Parish Clerk	Free Free
Staffing structure	Web Hard Copy – contact Parish Clerk	Free Free
Class 2 – What we spend and how we spend it (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit) Current and previous financial year as a minimum		
Annual return form and report by auditor	Hard Copy – contact Responsible Financial Officer	Free
Finalised budget	Web Hard Copy – contact Responsible Financial Officer	Free Free
Precept	Web Hard Copy – contact Responsible Financial Officer	Free Free
Borrowing Approval letter	Hard Copy – contact Responsible	Free

	Financial Officer	
Financial Standing Orders and Regulations	Web Hard Copy – contact Parish Clerk	Free Free
Grants given and received	Web Hard Copy – contact Responsible Financial Officer	Free Free
List of current contracts awarded and value of contract	Web Hard Copy – contact Parish Clerk	Free Free
Members’ allowances and expenses	Web Hard Copy – contact Responsible Financial Officer	Free Free
Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews)		
Annual Report to Parish Meeting (current and previous year as a minimum)	Web Hard Copy – contact Parish Clerk	Free Free
CLASS 4 – HOW WE MAKE DECISIONS (Decision making processes and records of decisions) Current and previous council year as minimum		
Timetable of meetings (Council, any committee/sub-committee meetings)	Web Hard Copy – contact Parish Clerk	Free Free
Agendas of meetings (as above)	Web Hard Copy – contact Parish Clerk	Free Free
Minutes of meetings (as above)	Web Hard Copy – contact Parish Clerk	Free Free
Reports presented to council meetings - NB this will exclude information that is properly regarded as private to the meeting.	Web Hard Copy – contact Parish Clerk	Free Free
Responses to consultation papers	Web	Free

	Hard Copy – contact Parish Clerk	Free
Responses to planning applications	Hard Copy – contact Parish Clerk (NB also available on District Council website)	Free
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only		
Policies and procedures for the conduct of council business:	Web	Free
Procedural standing orders	Hard Copy – contact Parish Clerk	Free
Committee and sub-committee terms of reference		
Delegated authority in respect of officers		
Code of Conduct		
Policy statements		
Policies and procedures for the provision of services and about the employment of staff:	Web	Free
	Hard Copy – contact Parish Clerk	Free
Internal policies relating to the delivery of services		
Equalities policy		
Health and safety policy		
Recruitment policies (including current vacancies)		
Policies and procedures for handling requests for information		
Complaints procedures (including those covering requests for information and operating the publication scheme)		
Information security policy	Hard Copy – contact Parish Clerk	Free
Records management policies (records retention, destruction and archive)	Web	Free
	Hard Copy – contact Parish Clerk	Free
Data protection policies	Web	Free
	Hard Copy – contact Parish Clerk	Free
Class 6 – Lists and Registers		

Currently maintained lists and registers only		
Any publicly available register or list	Hard Copy – contact Parish Clerk	Free
Assets Register	Inspection only – contact Responsible Financial Officer	Free
Register of members’ interests	Inspection only – contact Parish Clerk (NB also available on District Council website)	Free
Register of gifts and hospitality	Inspection only – contact Parish Clerk	Free
Class 7 – The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) Current information only		
Allotments	Web Hard Copy – contact Parish Clerk	Free Free
Burial grounds and closed churchyards	Not applicable	
Sports Pavilions	Web Hard Copy – Contact Parish Clerk	Free Free
Parks, playing fields and recreational facilities	Web Hard Copy – Contact Parish Clerk	Free Free
Seating, litter bins, clocks, memorials and lighting	Web Hard Copy – Contact Parish Clerk	Free Free
Bus shelters	Web Hard Copy – Contact Parish Clerk	Free Free
Public conveniences	Web Hard Copy – Contact Parish Clerk	Free Free
Agency agreements	Not applicable	
A summary of services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)	Not applicable	

Contact details:

Mrs Angie Hurren

Parish Clerk

Broadclyst Parish Council

19 New Buildings

Broadclyst

Devon EX5 3EX

SCHEDULE OF CHARGES

This describes how the charges have been arrived at and are published for information as part of this guide.

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying @ 10p per sheet (black & white)	Actual cost incurred by Parish Council
	Postage	Actual cost of Royal Mail standard 2 nd class
Statutory Fee	£25 per hour	In accordance with the relevant legislation
Other	None	