

STAFF REPORT

TO: Communications Subcommittee
FROM: Communications Adviser
DATE: 23 September 2010
REFERENCE: C797
SUBJECT: Media and Advertising Policies RFN10-09-18

PURPOSE

To introduce two policies, one governing the management of the Council's interaction with the media, and the second providing direction to advertising by the Council in the delivery of its role.

DISCUSSION

Advertising and interaction with the media are core elements within the relationship the Council shares with its ratepayers and residents. For this reason there is a need for a consistent approach regarding the dissemination and management of each medium.

The use of the media is an accepted means of communicating with an organisation's public. To do this effectively the Council must ensure that the items transmitted through the media are managed in a consistent, timely and informative manner within the requirements of a medium that has drivers different to those of the Council. The media policy is a means of guiding Council staff to achieve these goals.

The advertising policy is designed to ensure the Council meets not only its legal requirements but does so to the advantage of those affected. By providing one channel that is known, and expected, to carry relevant information the Council has a greater chance of meeting its legal requirements particularly with regard to public notices.

The respective policies are attached as Appendix 1 (Media) and Appendix 2 (Advertising).

RECOMMENDATION

The Communications Subcommittee:

1. Notes the report
2. Debates and discuss the contents and purpose of the policies; and
3. Refers the adoption of the policies to the Corporate Services Committee.

Chris Choat
Communications Advisor

Appendix 2

TASMAN DISTRICT COUNCIL ADVERTISING POLICY

There are two forms of advertising that the Council is principally involved with; those that the Council is legislatively bound to produce and those that advertise events or happenings within the District governed.

The Tasman District Council's responsibility for the delivery of public notices shall be met through the advertising of such notices within 'Newslite – the mag' and its assistant publication 'Council Update'.

This policy meets the legal requirements imposed on the Council regarding the advertising managed by Public Notices in a cost effective manner. It delivers this responsibility in a manner that is expected to carry relevant notices to every letterbox in the District.

It does not in any way limit the advertising to support the Council's role and responsibilities but is also supporting many legislative requirements. Further advertising and direct contact with those affected by the issue within the public notice is often not only legislatively required encouraged but is sound practice.

Official Advertising (legislatively bound)

Consistent with the legal requirements upon Council to ensure the ratepayers and residents are aware of, and given the chance to submit on, and the wide variety of proposals and applications, the Council must have a very clear policy for giving notice of such opportunities.

To this end the Council produces a large number of public notices many of which are in a form described by legislation. The medium in which they are distributed to the wider Tasman District is described by a description that has since been interpreted to mean a regular publication that is expected by the receiving audience.

A number of legal opinions sought by several Councils have been consistent in their responses that the regular newspaper/newsletter meets the requirements stipulated within the appropriate Acts, ie RMA and LGA as long as they are published within accepted timeframes.

The main issues at the heart of this policy is ensuring the greatest number of people are aware and have the greatest access to the information necessary to complete the purpose of the advertisement.

To achieve these goals it is essential the people of Tasman are aware of where they will find official advertisements or notices.

The Tasman District is served by a number of weekly papers and one daily newspaper. The circulation of all these papers, daily and weekly, is either limited to distinct areas serviced by the papers or suffering a decreasing readership and subscription base.

While historically regions were served by one newspaper they have been the vehicle for public notices there is now a greater number of newspapers vying for the attention of readers either regionally or locally. As such readers have no means to identify which of the newspapers is carrying the public notice of note to them the choice becoming more difficult as a number of the delivery areas overlap and readers are beginning to choose which newspaper to read. The Council, in turn, has no means of ensuring the notice is read by interested parties, unless it focuses it advertising in a paper delivered to all residents and ratepayers within the District i.e Newsline.

Council Responsibility

Councils are increasingly under pressure to ensure constituents within their boundaries are either consulted or have the opportunity to contribute to decision-making. It is essential that the Council is seen to be providing as much opportunity and information as possible to ensure residents and interested parties have the ability to play a timely and informed role in any consultation exercise managed by the Council.

In meeting this demand the Council also has to ensure that residents and interested parties are able to find notices and other advertisements that may be of interest to them. Previous legislation has required public notices should be provided in a newspaper. To be identified as a newspaper the publication has to be periodical at intervals not exceeding 40 days, or any copy of, or any part of any copy of, any such publication; and includes every publication that at any time accompanies and is distributed along with any newspaper.

As a newspaper such publications are not subject to the 'no junk mail' or 'no circular' found on letterboxes.

The only stipulation therefore requiring investigation is the timeframes imposed by the specific public notice requirements within specific Acts.

This definition then focuses on the argument of the responsibility of the Council for official advertising onto the accepted and expected channel for such notices. Where would the residents and ratepayers expect to find public notices of possible interest to them?

The Tasman District Council's 'Newsline' is a newspaper therefore public notices required by law and otherwise can be advertised within it.

Note: This advertising is managed in addition to other obligations such as the serving of the notice directly to affected landowners or on the internet.

There will be occasions where the frequency of Newsline does not meet the timeframes stipulated within legislation relevant to the notice in question. In these instances the particular notice will be placed in other publications in addition to the internet. However, once the legal requirements are met the notice will be carried in addition within Newsline.

General Advertising

For general advertising the media choice is far wider and can, and does, include radio, a medium that does not cater well to the demands of Public Notices.

All general advertising in support of Council initiatives or events should be easily identifiable as coming from the Tasman District Council. All advertisements should be informed by the Council's Brand Manual.

Advertising generated by the Council should at all times be part of a wider campaign which may include media releases and/or accompanying stories in local media or Newslines – the Mag.

Appendix 1

TASMAN DISTRICT COUNCIL MEDIA POLICY

Principles

A local authority has an obligation to ensure that those whom it represents and acts for are kept informed about what they are receiving for their rates. Further, because a local authority exercises power over individuals and groups in its community, it can be said to have an obligation to ensure that those people know how they are being affected by its actions and what their rights and responsibilities are in relation to them.

Council activities often have the potential to attract comment and criticism. Despite this, choices have to be made about what information is to be communicated and how it is to be presented to ensure the residents and ratepayers have the most relevant information presented in a clearly understandable manner.

The media in its various forms - print, radio, TV and/or the web - is only one of the variety of channels the Council uses to communicate with Tasman's residents and ratepayers.

Any relationship with the media is to be for the purpose of providing objective, impartial, factual and explanatory information. The material should not be presented in a way that promotes, or could be perceived as promoting, personal or political interests.

Content

Information presented should be:

- Accurate
- Complete
- Balanced and objective
- Timely
- In a form that is lawful, and
- where possible, Proactive.

Comment in the media

Comment in the media under the Tasman District Council banner must be made in collective voice.

A local authority is a corporate entity that should be seen to be speaking with one voice. Communications of information at public expense should represent the Council position.

In some circumstances Council may consider the communication of the personal position of its members to be warranted at its expense. In making the decision, however, Council should be careful to treat all members equally and avoid the appearance of selective opportunity for the promotion of any particular member's views.

The one exception to this position is that of the Mayor. A Council's Mayor is often an opinion setter reacting to, or promoting, a situation or event that will or may have an effect on the District as a whole.

Practice concerning media releases

Media information must be titled "Media Release", not "Press Release" (which applies only to the print media). Media releases are to be actioned by department managers.

Preparation of media releases is to be undertaken in conjunction with the Communications Adviser. Information is to be compiled with a strong news angle. The release is signed by the department head or committee chairperson.

The media release is to be set out on a Council's media release template.

The media release is distributed by Council's contracted communications agency to the general media release schedule, plus any specific media sources as may be appropriate in the circumstances. All media releases need to be copied to all elected members and staff.

In some circumstances a media release may be sent under embargo defining when the news source may release the information.

Unless Council does not want to comment further about the information, the media release will contain the appropriate contact details for department manager, chairperson or staff and the phone numbers so that the media may follow up on the release.

Media interviews

Only staff with the delegated authority are allowed to undertake an interview with the media. Staff should be well prepared to answer questions raised. Staff should not feel pressured to provide answers "off the cuff". It is perfectly acceptable to advise the journalist that you will respond in a timely manner after confirming their deadlines, therefore giving yourself reasonable time to prepare informed answers.

When interviewed Council staff will limit all responses to the processes involved and the facts regarding the subject at hand. Elected members are the only Council representatives who may comment on how and why decisions have been made and as such only elected members are permitted to comment on political matters.

Staff should avoid entering into "off the record" discussions.

Staff requiring assistance with the media should contact the Communications Adviser in the first instance.

Proactive media interviews can be used to promote events or Council decisions, however, the material for these interviews is to be limited to the relevant and agreed Council position for the matter at hand.

Practice concerning Mayoral/Councillor comments in the media

Any comments made in a ratepayer-funded publication under the Tasman District Council banner must be the Council view, rather than independent opinion.

Any elected member wishing to criticise has the right to do so within legal limits. This sort of media comment should be confined to an individual's media release, which is clearly from a Councillor rather than the Council, or through personal letters to a publication. Opinions should not be sent in a form, or on Council supplied letterhead, implying they are the view/s of the Council.

Legal considerations

Any public statement by a local authority must observe legal requirements. Comment while an issue is before the courts is particularly risky. If the Council is involved in any such case, where comments may be interpreted as contempt of court, (with the potential to influence a jury).

Reference should be made to the Controller and Auditor General's publication 'Good Practice for Managing Public Communications by Local Authorities' released in April 2004 in situations where this Council's policy is silent.

Responding to unbalanced reporting/published comment

Unbalanced reporting may be countered by a newsworthy media release that gives the real story. Rather than sensationalising the issue with an emotional response, Council staff are able to address unfair comment with facts that speak for themselves.

Generally, private individuals and organisations have more leeway under defamation laws to say what they like about Council and elected members and to publicise their position.

A local authority may regard some such publicity as unfair, especially if the content is considered to be factually incorrect, unbalanced or emotive – and want to respond in kind.

While such a feeling may be understandable, it does not justify departing from appropriate principles and standards. However, some response may be justified to put the record straight, including a measure of rebuttal.

A balance must be maintained and a public argument is often counter-productive. A practical means of response is to issue a written statement/release to the media.

Responding to published opinions, either letter to the editor or feature article, should only be considered where readers have obviously been misled or the opinion has a detrimental effect on the Council's ability to govern.

Responses should be limited to the facts and the correction of misleading claims. All such responses by Council staff need to be approved by the CEO and the Communications Adviser.