

AGENDA SUPPLEMENT (1)

Meeting: Overview and Scrutiny Management Committee

Place: Kennet Room - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Wednesday 27 November 2024

Time: 10.30 am

The Agenda for the above meeting was published on 19 November 2024. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Ben Fielding - Senior Democratic Services Officer of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718656 or email benjamin.fielding@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

18 **Urgent Items** *(Pages 3 - 10)*

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Wiltshire Council

Overview and Scrutiny Management Committee

27 November 2024

**Urgent items:
Referral to OS Management Committee from Cllr Jon Hubbard**

Purpose

1. To present a referral from Cllr Jon Hubbard to OS Management Committee under Part 8, paragraph 6.13 of the council's Constitution, and an officer response to the issues raised.

Main considerations

2. Part 8 the Constitution states the following:

"6.13 Any Member of the Council may inform the Designated Scrutiny Officer (as defined at Article 12 Para 4 of Part 2 of the Constitution) that they wish to refer to an Overview and Scrutiny Committee any matter which is relevant to the functions of that committee and is not an excluded matter (Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2012).

3. On 20 November 2024, such a referral was received from Cllr Jon Hubbard regarding the council's engagement with Wiltshire Publications. This referral for action by OS Management Committee is attached at **Appendix 1**.
4. Under Part 8 (see below), such a request is normally included on the agenda of the next ordinary meeting of the relevant committee. In this case, the referral was received one day after publication of the agenda for the Committee's meeting on 27 November 2024. As the next available meeting is not until 28 January 2024, the Chair proposes to deal with the referral as an Urgent Item at the meeting on 27 November 2024.

5. Part 8 requires that the matter be dealt with in the following way:

"6.14 Following such notice, the item will be listed on the agenda at the next ordinary meeting of the appropriate committee as a referred matter. The Member referring the matter will be invited to attend the meeting and set out what Overview and Scrutiny activity or action they consider would be appropriate. The Committee will then determine what if any action should be taken in response to the discussion. If the Committee considers that no further work or action is appropriate the matter should not be debated further, and they will provide reasons to the requesting Member."

6. To support the Committee's deliberations, and at the Chair's request, a written response to the questions raised by Cllr Hubbard is provided at **Appendix 2**.
7. For context, a public statement on the matter was released by the Council, which is provided at **Appendix 3**.

Proposal

8. The Committee is asked to consider the referral from Cllr Jon Hubbard in accordance with Part 8, paragraph 6.14, of the council's Constitution.
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Appendices

Appendix 1	Referral from Cllr Hubbard to OS Management Committee
Appendix 2	Officer response to the questions raised in the referral
Appendix 3	Public statement issued by the council

Cllr Jon Hubbard

A Strong Independent Voice for Melksham

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Cllr Graham Wright
Chair, Overview and Scrutiny Management Committee
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
BA14 8JN

20th November 2024

Dear Graham

Request to Address the Council's Decision Regarding Wiltshire Publications at the Next Overview and Scrutiny Committee Meeting

I am writing to formally request that the Overview and Scrutiny Committee address the recent decision by Wiltshire Council to cease press support for Wiltshire Publications and the broader implications of this action at the next available meeting.

This matter raises serious concerns regarding transparency, due process, and the standards used by the Council to engage with the media. In particular, I would like the Committee to consider and scrutinise the following:

1. **Decision-Making Process**
 - What policies or constitutional rules were followed when the decision was made to cease engagement with Wiltshire Publications?
 - What advice was given to the political leadership, and on what basis was this advice formed?

2. **Assessment of Alleged Bias**
 - What methodology was used to assess allegations of bias in Wiltshire Publications' reporting?
 - Over what period was this assessment conducted, and who carried out the evaluation?
 - What benchmarks or recognized systems were used to determine whether the publication met the Council's standards for impartiality?

3. **Letter Sent to Wiltshire Publications**
 - The letter sent by the Council to Wiltshire Publications states: *"We urge you to adopt a more professional and balanced reporting style in the future as, currently, we do not feel able to engage with your publications. Constructive dialogue is essential for our working relationship, and when we see impartiality in*

your coverage and clear efforts to present a balanced picture, we will review our position.”

- How is the Council measuring whether Wiltshire Publications meets this standard for balance and impartiality?
- What framework is being used to guide this review?

4. **Complaints Process**

- Wiltshire Publications has reportedly been unable to file a formal complaint regarding the Council’s actions due to the Council’s assertion that corporate bodies cannot lodge complaints.
- What mechanisms are in place to allow businesses or organisations to challenge Council decisions that affect them?
- Does the current complaints process require revision to ensure it is inclusive and fair?

Given the potential implications of this matter on freedom of the press, transparency in decision-making, and the reputation of Wiltshire Council, it is essential that the Overview and Scrutiny Committee undertakes a thorough review. This will help restore public confidence in the Council’s ability to act fairly and in accordance with its own principles and policies.

I would be grateful if you could confirm whether this issue will be added to the agenda for the next Overview and Scrutiny Committee meeting. Please let me know if further information is required to support this request.

Below you will find the necessary 10 names required to formally call an issue in for Scrutiny to investigate.

With kindest regards



Cllr Jon Hubbard
Melksham South

Call in supported by:

Cllrs Jon Hubbard, Ian Thorn, Gavin Grant, David Bowler, Clare Cape, Liz Alstrom, Helen Belcher, Ross Henning, Stewart Palmen, Carole King, Sam Charleston

Appendix 2

Response to the issues raised in Cllr Jon Hubbard's referral to OS Management Committee

1. Decision making process

- **What policies or constitutional rules were followed when the decision was made to cease engagement with Wiltshire Publications?**

- **What advice was given to the political leadership, and on what basis was this advice formed?**

The ceasing of engagement with Wiltshire Publications was an operational approach employed by an officer, in this instance the Director of Legal & Governance, following conversations with the Head of Customer & Communication, the Chief Executive and Corporate Director Place and after consultation with the Leader and relevant Cabinet Member. This followed repeated contact from Wiltshire Publications on where the Council advertises Traffic Regulation Orders (TROs). The Council explained on a number of occasions the reasoning it employed and that it will review the approach after Government publishes new legislation on the issue. The approach which is used in other scenarios where repeated correspondence seems to lead to an impasse, was employed to provide sufficient space for the parties (the Council and Wiltshire Publications) to reflect. The hope was a round table discussion could be arranged. One is now in the process of being arranged for early December. The taking of day-to-day, operational decision is referenced in part 3 of the Constitution.

The Leader and relevant Cabinet Member were given professional advice by relevant officers. The details of the that advice were withheld in answer to a Freedom of Information Act request from public disclosure on the basis that Councils and other public bodies should be able to reflect on approaches in private.

2. Assessment of Alleged Bias

- **What methodology was used to assess allegations of bias in Wiltshire Publications' reporting?**

- **Over what period was this assessment conducted, and who carried out the evaluation?**

- **What benchmarks or recognized systems were used to determine whether the publication met the Council's standards for impartiality?**

The use of the word bias was with its normal meaning. The repeated Wiltshire Publications correspondence gave the impression of a static view that the Council should change its approach about the advertising of TROs. The Council will review its reasonable position regarding advertising TROs once the Government announces an expected significantly new approach to this issue.

Impartiality was assessed based on the professional judgement of the Council's Communications team.

3. Letter Sent to Wiltshire Publications

• **The letter sent by the Council to Wiltshire Publications states: “We urge you to adopt a more professional and balanced reporting style in the future as, currently, we do not feel able to engage with your publications. Constructive dialogue is essential for our working relationship, and when we see impartiality in your coverage and clear attempts to present a balanced picture, we will review our position.”**

o **How is the Council measuring whether Wiltshire Publications meets this standard for balance and impartiality?**

o **What framework is being used to guide this review?**

“Balanced” was intended to relate to providing more than one side of the issue. On the issue of “impartiality” see above.

4. Complaints Process

• **Wiltshire Publications has reportedly been unable to file a formal complaint regarding the Council's actions due to the Council's assertion that corporate bodies cannot lodge complaints.**

• **What mechanisms are in place to allow businesses or organisations to challenge Council decisions that affect them?**

• **Does the current complaints process require revision to ensure it is inclusive and fair**

The council's Complaints Procedure states:

“3.4 We do not accept complaints from corporate bodies under this Procedure, as in such cases there is no “personal injustice” suffered by the complainant.”

This approach is in line with that adopted by other councils. Corporate bodies can raise concerns by writing formally to the Council, by raising them with their local councillor or through the courts. Whenever a complaint is not accepted by the council, the reasons are provided to the complainant and the details of the appropriate Ombudsman are provided should the complainant wish to escalate the matter.

Perry Holmes, Director Legal and Governance

Appendix 3

Public statement issued by the council regarding Wiltshire Publications

Cllr Richard Clewer, Leader of Wiltshire Council, said: “Wiltshire Council welcomes being held to account by the press and responds to over 1,400 media enquiries annually. We expect both positive and negative coverage from the media and we welcome robust challenge. However, we also believe that it is important to provide a balanced picture in any coverage so both sides of any story can be covered fairly. In this case we are not being held to account fairly or reasonably.

“Wiltshire Publications has undertaken an ongoing campaign for over two years to put pressure on the council to advertise statutory notices with them. We have consistently provided the same answer to their queries and yet despite our clear communication that we will reevaluate our approach following the Government’s review of relevant legislation, they continued to present a negative narrative – because we have chosen not to advertise with them.

“While it might cost less to place an advert in their publications, it would not save the council money and would be more expensive overall. We would still be required to advertise statutory notices in other publications to ensure we reach a wider audience and meet our legal obligations. This does not represent value for money for residents and would not lead to any cost savings for us.

“Their reporting has not been impartial, as it has failed to include balanced quotes from council representatives, which would have demonstrated that the picture they present does not tell the full story. Two of our councillors provided comments on their initial story and these comments were not included in the article because it did not fit with the narrative of the story; these comments would have given a more balanced view.

“Wiltshire Publications’ approach culminated in the council submitting a complaint to the editor urging them to adopt a more balanced reporting style.

“We advised we would not engage with Wiltshire Publications until we felt an effort was made to adopt a balanced position and requested they address these points with us. It is disappointing that rather than work with us they have chosen to publish a further article which again misrepresents our position.

“While we are not responding directly to them, they are still able to access our press releases which are published on our website and through our social media channels.

However, we respect their right to take the approach they feel is most effective for them. At this time, we do not feel it would be appropriate to review our position.”