

1. Introduction

At the Council meeting on 29 November 2012 the following Motion was approved:

This Council expresses its dissatisfaction at the cancellation of the PSA event at Wallsend Town Hall on 16 October and the attempt to cancel a subsequent meeting of the Labour Party, apparently based upon a community lettings policy of North Tyneside Council, because they were classified as being political.

Council therefore requests that the Chief Executive considers the implications and operation of any such policy, and reviews the two matters referred to above, and reports back to a future Council meeting, on

- i. The existence of such a community lettings policy**
- ii. The availability of the policy to elected members, council staff and members of the public**
- iii. His review of the two matters referred to**

I have subsequently investigated the two incidents specifically referred to in the preamble to the Motion and these are referred to in Sections 4 and 5 below.

My main focus has been on the existence and appropriateness of the Community Lettings Policy, the availability and understanding of the Policy and the need to learn from recent events to put a better set of arrangements in place for the future.

2. Existing Community Lettings Policy

I have not been able to find a written copy of the Lettings Policy and therefore I cannot establish when it was agreed. It cannot be viewed by the public, Elected Members and staff and therefore cannot be used to guide the management and operation of lettings.

Staff are therefore left to follow historical precedent or when a challenge to a booking occurs they seek legal advice. In my view this is inadequate and a Policy is certainly not widely available and accessible and needs a thorough review. It is also obvious that this situation fails to deal with the most sensitive issue of political use of community facilities and whilst the overarching legal duty not to allow use of Council resources (including premises) to be used for political

purposes always applies regardless of the inadequacy of the Policy it would be much better to have a clear protocol set out in a Policy document.

3. Action Required

Some positive action is required to avoid the confusion and disruption evidenced by recent events. In particular:

- i. A Community Lettings Policy needs developing and making more explicit, including a specific protocol for potential political use. This would allow political groups to book rooms for meetings of their members BUT not allow bookings for public meetings where political candidates/prospective candidates met non-party members of the public OR to operate an election campaign office. A draft protocol has already been prepared for consideration and was presented to Group Leaders and Deputies in December 2012.
- ii. The Booking Forms need to specifically ask for information on the activity being carried out and have specific reference that political usage for public meetings with candidates/prospective candidates and/or campaign office is not permitted.
- iii. The views of political groups, regular users and staff, should be obtained on any new policy prior to approval.
- iv. The new Policy needs to be widely available on the Council web-site, the intranet and in staff only areas of the intranet.
- v. The Policy should be reviewed every 2 years to ensure that it is being properly operated and that it is still relevant and fit for purpose.

4. The PSA Booking

The Public Service Alliance (PSA) is a non-political body that holds regular meetings at Wallsend Town Hall. On the morning of 16 October the Mayor received a complaint from a resident and a leaflet referring to a meeting to be held by the PSA at Wallsend Town Hall on that day. The leaflet indicated that the purpose of the meeting was to provide an opportunity to meet the Labour Police and Crime Commissioner candidate, Vera Baird, QC, and Councillor Norma Redfearn.

The Head of Legal, Director of Community Services and Head of Cultural Services assessed the matter and advice was given that the meeting was clearly a political use of council premises and not pursuant to the provisions of the Representation of the People Act 1983 (which allows the use of local authority or

school premises by candidates for the purposes of promoting their candidacy) because the booking was by the PSA not the candidate or their agent. The meeting was therefore cancelled and officers advised the PSA accordingly.

In this context the Community Lettings Policy was not the consideration as it was a matter of interpreting the general law relating to the use of Council resources for political purposes AND the provisions of the Representation of the People Act.

It is regrettable that the true nature of the PSA booking was not apparent until such a late stage BUT in my view the correct legal advice was given and implemented.

The incident does, however, reinforce the points I have made in Section 3 above in relation to the need for more specific information/guidance on the booking form to alert hirers to the position with regard to potentially political meetings. This would have alerted the PSA to the need, at the very least, to seek specific advice or seek an alternative venue for this particular meeting.

5. The Shiremoor Centre Booking

The Shiremoor Centre has been booked on numerous occasions for private use by the local Labour Party to conduct their internal business. The intention has not been to conduct public meetings with candidates or use the room for a campaign office. The use was therefore appropriate and an acceptable booking.

However, following the PSA booking there was a general instruction to staff managing bookings to review potentially political bookings and, in the light of advice given in relation to the PSA, to re-consider the appropriateness of bookings. This led to staff taking an unfortunate view that the Labour Party booking was contrary to the Policy and the law. This was the wrong decision but possibly understandable in the light of the PSA experience. The cancellation of the booking was quite rightly queried with the Chief Executive and Head of Legal by Councillor Allan and others and following an urgent review the booking was reinstated as it was clearly appropriate.

In this particular instance the staff would have benefitted from access to a clear and definitive Policy that specifically interpreted the approach to be taken in assessing potentially political bookings. The proposed actions in Section 3 above should assist in the future and avoid this type of incident.

6. Recommendations

- i. That the report be noted in relation to the incidents set out in Sections 4 and 5.
- ii. That the Council considers supporting the action required in Section 3.
- iii. That once a new Policy is approved it should be posted on the Council website, the intranet and other staff sites and reviewed every 2 years.
- iv. That revised booking forms be produced to better assist hirers and staff in making and managing bookings.