

Documents which support the Constitution

Part B

Guidance on Publicity and Conduct for Councillors and Officers Prior To an Election

1. Introduction

- 1.1 During the period prior to the elections, the Council must carry on operating and providing services as normal. However, there are specific rules that cover the pre-election period which may impact on relationships with businesses, publicity and the use of premises by candidates.
- 1.2 The principles underlying the behaviour of councillors and officers during this time are an extension of those that apply at all other times. These are set out in the Members' Code of Conduct, Code of Conduct for Officers and the Member and Officer Protocol.
- 1.3 Members should discuss any issues or concerns with their Group Leader, and/or the Agent for their party handling the election campaign. The Monitoring Officer or the Returning Officer may also be consulted.
- 1.4 The pre-election period is the period between the notice of election and the election itself and is usually about 6 weeks.
- 1.5 This Guidance relates to the pre-election period for all types of elections.

2. The Returning Officer

- 2.1 The Returning Officer has the authority to direct candidates and/ or parties, should they breach this protocol or the Code.

3. Publicity

- 3.1 Publicity is defined by Section 6 of the Local Government Act 1986 as "any communication, in whatever form, addressed to the public at large or to a section of the public. Publicity includes leaflets, press releases, photos, posters and sponsorship events, and can be in paper or electronic form.
- 3.2 Publicity produced by the Council is restricted, at all times, by the Local Government Act 1986 (as amended) and by the Code of Practice produced as a result of the Act (see paragraph 3 below). However, in the run up to an election, further rules apply.
- 3.3 There are specific rules relating to election notices and literature published by agents to promote an election campaign. Guidance is issued to the agents and candidates at the appropriate time by the Electoral Services Manager.

4. The Local Government Act 1986

- 4.1 Section 2 of the Local Government Act 1986 makes it clear that, at all times, a local authority should not publish any material which appears to be designed to have an effect on public support for a political party. This includes:
 - (a) the content and style of the material;
 - (b) the time and circumstances of publication;
 - (c) the likely effect of publicity on people;

- (d) whether the material promotes or opposes a point of view which is identifiable as the view of one political party but not another;
 - (e) references to a political party or to people identified with a political party.
- 4.2 The Council is also not allowed to give financial or other assistance to other bodies to enable them to publish material that the Council may not publish.

5. Code of Recommended Practice on Local Authority Publicity - Guidelines Specific to Pre-Election Periods

- 5.1 Much of the Code, which applies at all times, increases in importance before an election. The Code states that:

The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members or groups of members. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the authority's control. Proactive events arranged in this period should not involve members likely to be standing for election.

6. Misleading Publicity Or Media Coverage

- 6.1 Where there are factual inaccuracies in media or other publicity issued by parties or candidates contesting the election, these may be corrected by the Council. However, this has to be done with due regard to Local Government Act 1986 and the Code, as set out in paragraphs 4 and 5. Only the specific inaccuracies identified in the publicity can be corrected.
- 6.2 The Chief Executive, when deciding whether to issue a correction, will have regard to the legal need to correct the inaccuracy.

7. Photographs

- 7.1 In the pre-election period photographs should be used carefully. The Council's crest or logo must not be used in election campaign material.

8. Decision-Making

There is no statutory restriction on the Council's decision-making, meetings, or political debate during the election campaign. It is "business as normal".

- 8.1 However, there may be other factors which may limit the decisions to be taken. In particular, the consideration of any matters which may be politically contentious should be avoided. The profile of issues will be increased in this period and could affect effective decision-making.
- 8.2 For practical reasons, the Council may decide, during the election campaign, to restrict the number of meetings and/or hold no meetings in the final weeks of the campaign.

External Consultation

- 8.3 Officers should ensure, where possible, that consultations are not carried out during the pre-election period.

9. Use of Premises

- 9.1 With the exception of the use of rooms for meetings for members of the public (see paragraph 11), candidates must not visit council premises for electioneering purposes, such as canvassing support from members of the public or staff, or for photo opportunities.

Entitlement of Candidates to Use Rooms

- 9.2 Under the Representation of the People Act 1983, candidates are entitled to use certain rooms free of charge for election meetings, subject to certain conditions. Section 95 covers holding public meetings relating to parliamentary elections and Section 96 for local elections. Further advice can be obtained from the Returning Officer.