

## **GUIDANCE FOR ELECTED MEMBERS AND LOCAL AUTHORITY EMPLOYEES DURING THE 2017 PRE-ELECTION PERIOD**

### **Introduction**

County Council elections will be held on **Thursday 4 May 2017**.

This guidance applies to all Council members and employees. It is effective from **23 March 2017** to the end of polling day on **4 May 2017**. The colloquial term 'purdah' has come into popular use across central and local government to describe the period of time immediately before elections or referendums when specific restrictions on the use of Council resources and communications activity are in place. The term 'pre-election period' is also used and is preferable to the use of 'purdah'. 'Pre-election period' will be used for these elections.

This guidance is designed to ensure that Council resources and facilities are not perceived by the public to have been used for elections campaigning or political purposes during the pre-election period and that the political impartiality and impartiality of views regarding the elections of employees has been maintained.

The basic principle is not to undertake any activity which could call into question the political impartiality of employees or could give rise to the criticism that public resources are being used for party political purposes.

This guidance also contains advice for Council employees about restrictions on political activities. Employees who may wish to engage in elections activities in a personal capacity, where that is permitted, should ensure that they are not breaching any requirements of the rules.

### **KEY POINTS**

- Council staff must act in a politically neutral way at all times, bearing in mind that there is particular sensitivity around this political neutrality in the run-up to an election.
- Council business continues as normal during this period.
- Council resources must not be used in support of a political party or a candidate.
- Officers should usually deal with media enquiries and comment accordingly during this period, however in exceptional circumstances it may be appropriate for a member to comment provided they express only the Council's view.
- If you are unsure about applying this guidance, you must seek advice (see paragraph 16).

## **GUIDANCE**

### **General**

- 1 The presumption is that normal Council business will continue during the election campaigning period. The exception is where a particular initiative, proposal, consultation or publication in the period could reasonably be regarded as giving candidates or parties an advantage at the election (i.e. it is not politically neutral). If that is the case then the initiative should be deferred until after the election. However, most routine business should continue unaffected. If in doubt, seek advice from the Monitoring Officer.

### **Publicity and Events**

- 2 All Council funded publicity activities must be, and must be seen to be, politically neutral. Anything that could reasonably be regarded as giving a candidate or a political party an advantage is not politically neutral. This applies no matter what the justifications for the publicity are. "Publicity" refers to any communication, in whatever form, addressed to the public at large or to a section of the public and includes news releases, newsletters, consultation exercises and unsolicited letters to constituents.
- 3 These restrictions do not cover material made available to persons in response to specific requests for information or to persons specifically seeking access to it.
- 4 The following general conventions should be applied during the pre-election period:
  - Council publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with political party groups, or any candidates.
  - It is acceptable for councillors and employees to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and represent the Council's views only.
  - Events arranged in this period should not involve any person campaigning in relation to the elections.
  - There is a general presumption against undertaking new campaigns or initiatives during the pre-election period in any area that might be considered controversial in relation to the elections.
  - Special care should be taken in relation to current or ongoing publicity campaigns during the pre-election period. These can continue, provided they are not open to reasonable criticism that they are being undertaken for party political purposes. Any campaigns or initiatives that are liable

to be misrepresented as not being politically neutral should be stopped until after the elections.

- Council premises should not be used for campaigning purposes, except if booked by a candidate/political party for a public meeting and in circumstances where every candidate would have an equal right to use the premises on the same basis.

### **Requests for information from parties/candidates**

- 5 Requests from parties/candidates to the Council for information must be met in an even-handed manner. Employees may not provide briefings for use in election campaign debates/ literature.

### **Position of Council employees**

- 6 Council employees must always act fairly and impartially. In your professional capacity, you must not take part in any publicity which could link you with any political party or candidate.

- 7 In particular:

- all Council employees (whether in a politically restricted post or not) must avoid any action or behaviour that is not politically neutral or neutral in relation to the elections when carrying out duties or using Council funded resources and facilities. This includes canvassing, giving interviews, speaking at public meetings and writing/publishing articles that appear intended to affect support for a political party or candidate.
- these restrictions do not prevent you or a family member from displaying, for example, an election poster in a window of your home if they so wish.
- other employees may support a political party/candidate in the elections in their own time. However you must not bring the Council into disrepute by anything you may say or do.

- 8 Those employees whose posts have been identified as “politically restricted” are subject to legal constraints. These include not:

- holding office in a political party, acting as an election agent or canvassing on behalf of a political party or a candidate for election;
- speaking in public, giving interviews or publishing any written work with the intention of affecting public support for a political party/campaign.

## **Use of Council resources**

- 9 No political posters or material relating to the elections should be displayed in any Council office or establishment or on vehicles used by employees for official business or which are parked in Council car parks.
- 10 Similarly, no such material should be displayed by any contractor working on behalf of the Council. Employees should make this clear in any relevant contracts with the Council.
- 11 Council premises should not be used in any way to promote or signify any favour or support for any political party or candidate.

## **Publicity**

- 12 The code of recommended practice on local authority publicity gives guidance on publicity issued in the pre- election period. Publicity not only includes news releases issued to print, broadcast and social media, but also:
  - most printed materials, which are sent to a wide audience;
  - newsletters;
  - information added to websites during the period;
  - posters and leaflets;
  - badges, t-shirts and other promotional gifts;
  - advertising;
  - exhibitions;
  - conferences and seminars;
  - consultation.
- 13 The Council's communications team can assist in all dealings with the media and will, on request, advise on briefing journalists, arranging interviews, etc.
- 14 Any public or private debate/talk organised through a school or other Council premises as part of the curriculum should only be held if all political parties/candidates contesting the division(s) where the debate is to take place are given the same opportunity to take part.

## **SUMMARY**

- No publicity will be given to matters which are politically controversial or relate to elections issues;
- The general presumption will be that no references will be made to individual politicians or political groups in news releases (except where there is a valid emergency);
- Great caution will be exercised before undertaking any significant media exercise unless it can be demonstrated that this was included in the forward plan before the elections and could not reasonably be delayed;
- Before any request for Council photographs and other materials is considered, enquiries will be made as to the use to which they are to be put and an appropriate restriction on use imposed if supplied;
- Council events arranged in this period should not involve members unless it relates to an official role that a member currently holds.

## **Social media**

- 15 Employees and councillors who blog or use social networking sites in connection with their work should take extra care during this period and comply with the following guidance and:
- explain that as a Council channel of communication you are governed by the pre-election guidance in a period before an election. It may be helpful to tweet or post a link to an explanation of the pre-election guidance;
  - do not tweet, post or share updates from political parties, politicians or political opinion;
  - do not tweet or post on matters which are politically controversial;
  - do not tweet, post or share images of political parties, politicians or subjects which are politically controversial;
  - do not stage a significant online campaign unless it can be demonstrated that this is both necessary and non-political;
  - monitor your page and delete any content which is politically controversial with an explanation that this has been done because of the pre-election guidance.
  - for employees whose posts are designated as politically restricted, note that the legal bar on “publishing any written work with the intention of affecting public support for a political party” includes writing, sharing or retweeting such content on any social media platform, even if the item is published in a restricted or closed group;

## Advice

- 16 If you are in any doubt, when considering a request or before planning or proceeding, you should seek advice from your Monitoring Officer and/or Legal Team.
- 17 To help better understand pre-election restrictions the Local Government Association has produced the following easy to use and follow guide *Purdah: A short guide to publicity during the pre-election and pre-referendum period*. It is available at [Purdah: A short guide to publicity](#)

## Legal basis

- 18 The pre-election restrictions are governed by Section 2 of the Local Government Act 1986, as amended in 1988. Essentially councils should “**not publish any material which, in whole or in part, appears to be designed to affect public support for a political party.**” Section 43 of the Act makes clear that councils need to have regard for the code of recommended practice that supports the Act.
- 19 The Government published a Code of Recommended Practice on Local Authority Publicity in 2011. This Code is based around seven principles to ensure that all communications activity:
  - is lawful
  - is cost effective
  - is objective
  - is even-handed
  - is appropriate
  - has regard to equality and diversity
  - is issued with care during periods of heightened sensitivity.
- 20 This last principle, to ensure special care is taken during periods of heightened sensitivity is of particular relevance during the pre-election period. Extra diligence is required during the pre-election period more so than at other times.

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