

# PRE-ELECTION PERIOD GUIDANCE

## ELECTION GUIDANCE IN THE RUN UP TO THE PARLIAMENTARY & LOCAL AUTHORITY ELECTIONS – 7 MAY 2015

### ADVICE FOR MEMBERS AND OFFICERS

#### Introduction

Staff are reminded of the political sensitivities in the run up to the Parliamentary Election taking place on Thursday 7 May 2015.

The date of publication of the Notice of the Election (local government elections) is **Monday 30 March 2015** which will be the start of the pre-election period and will run until the day after the elections on **Friday 8 May 2015**.

**The Dissolution of Parliament will take place on Monday 30 March. The receipt of the writ is due on Tuesday 31 March and the Parliamentary Notice of Election will be published on the same day. The pre-election period will start from the 30 March 2015 as this is the earliest of the two dates.**

The pre-election period or 'purdah' is a political convention, which is designed to prevent actions being taken by government or local authorities in the run up to an election being used (or perceived to be used) to influence the outcome of an election. During this time the Council (staff and councillors) should, unless circumstances dictate otherwise, refrain from taking decisions or making policy announcements which are significant and may be viewed as politically contentious.

Do remember however:

- Essential business must continue
- The rules are simply an emphasis on and an extension of those that apply at all times
- The basic principle for any Council officer is to maintain political impartiality
- These rules are set out in the Code of Conduct for Members, Officers Code of Conduct and the Member/Officer Protocol
- There are specific rules that cover carrying on business, publicity and the use of premises by candidates during the pre election period
- Extra caution is necessary in relation to publicity

#### Publicity

The Local Government Act 1986 makes it clear that a local authority should not publish any material at any time which appears to be designed to affect public support for a political party or an individual candidate. The key points are as follows:

- Publicity is defined very widely, covering leaflets and press releases; it can also include sponsorship, events photos and posters.
- Publicity produced by the local authority is restricted at all times and in the run up to an election, further rules apply.
- Code of Recommended Practice on Local Authority Publicity - Guidelines specific to election periods 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."*

- This "period" referred to above is between the notice of election and the election itself.
- It is, however, *"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."*
- The Code acknowledges that a degree of flexibility is necessary: *"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."*

## **Consultations**

- Officers should also consider decisions planned to take place after an election campaign and ensure that any consultation does not run through the pre election period.
- Consultation should not be launched during an election period.
- It may be appropriate to postpone consultations once an election has been called.

## **Entitlement to Use Rooms**

Under the Representation of People Act 1983, candidates are entitled to use certain rooms free of charge for election meetings, subject to certain conditions. A separate guidance note will be produced for prospective Parliamentary candidates and their agents nearer the time of the election, however in summary:

A candidate is not entitled to use a room for an election meeting where:

- the candidate has not given reasonable notice,
- the candidate's use of the room would interfere with the use of the room for an educational purpose or another pre-agreed purpose,
- there is a prior agreement for the letting of the room.

In many cases, this relates to a request to use schools or school rooms but it is important to understand that it is not solely related to the use of schools.

Candidates using rooms are required to meet expenses incurred in the use. The local authority cannot refuse a candidate the right to use a room on public order grounds. If the local authority has concerns about public order at an election meeting, it is imperative that it advises the Returning Officer immediately and liaises, in consultation with the Returning Officer, with the Police. It is the Police who have responsibility for maintaining public order using the powers available to them.

## **Use of and Access to Premises**

No candidates, at elections can use Council or education authority premises in an election campaign by visiting them for electioneering purposes. This includes schools, care homes and similar facilities. This is especially relevant to photo opportunities.

Candidates should not be afforded special access rights to controlled residential areas or block of flats for electioneering.

If a legitimate reason for a visit is identified during the pre-election period, extreme caution should be exercised, and the following rules must be followed and arrangements will be made by the candidates/agents with the relevant officer:

- The Chief Officer with responsibility for the function/premises is the final decision-maker about whether a visit can take place. The decision will take account of various factors including, but not limited to, operational concerns. Advice should always be sought from officers listed below.
- If there is any possibility that the visit could be used for electioneering it should not go ahead. While the premises may be visited and individuals involved with particular services (e.g. teachers can meet candidates), no officer or premises can be involved in electioneering. Particular care must be taken by officers, the parties, candidates and agents to avoid this.
- In some circumstances, events may not be appropriate due to the inability to separate the event from electioneering. Alternatively, Council staff may be advised not to participate in the event, even if the facility is made available for a visit.
- Any candidate/party is entitled to the same rights as the original candidate/party seeking an invitation to an event. Candidates of all parties (and independents) must be treated at all times in an even-handed way.

Where properties are not the responsibility of the Council, visits will be determined by the relevant organisation. If these organisations seek advice, we should advise them that the decision rests with them but there is an expectation that the candidates of all parties will be treated in an even-handed way. Particular care must be taken in relation to education establishments not to involve children in overt or indirect electioneering or inappropriate media coverage.

Where there are partnership arrangements, for example where one agency owns the land and a number of agencies collaborate in a partnership project, the lead will be taken by the agency with responsibility for the premises. The other agencies should be involved in discussions surrounding such an event to establish their level and/or extent of involvement. An example may be, a partner organisation making a decision about an event because they are responsible as the landowners/landlords and the Council staff not participating in an event to avoid compromising their impartiality – this does not necessarily mean that the event will not take place.

It is important that candidates and their agents observe these principles and understand that any request for an event needs to be made in a timely and effective manner and to the correct body/individual. In most cases, where there is any uncertainty, particularly in relation to partnerships there should be discussions well in advance of the event with the relevant Chief Officer.

## **Meetings**

There are no statutory restrictions on the Council's decision-making, meetings, or political debate during any election campaign, however in order that meetings are not used as a political platform and to free councillors for campaigning the Council Calendar of meetings has been organised to keep the pre election period clear with the exception of those public meetings necessary for processing the business of the Council such as Licensing. Officers should not permit any issues to be deliberately brought forward during the campaign to create political advantage.

Should there be an urgent reason for the Council to call any kind of public meeting the permission of the Chief Executive and Monitoring Officer will be required.

## **Councillor Enquiries**

During this period there may be an increase in the number of queries raised and councillor should ensure that the queries are directed to the appropriate officer.

Officers should deal with queries promptly and in accordance with corporate guidelines.

### **Enquiries from prospective election candidates**

Prospective Parliamentary election candidates and local election candidates have no more rights to information or access to facilities than a member of the public. Even when they might be official candidates nearer to the time of the election, they have no special rights or privileges. If a prospective candidate writes to or contacts any service on behalf of a resident purporting to be assisting the resident with an issue, you should politely respond that you are sorry, but that you are unable to deal with them directly and that the resident should make direct contact themselves or seek assistance through a currently elected local councillor.

Where FOI requests or general enquiries are made by prospective candidates, these should be dealt with in exactly the same way as any other general enquiry.

### **Fly posting**

Any fly posting of political leaflets or notices on Council buildings, equipment or street furniture etc, or left within any council building or school, must be removed immediately.

### **Use of social media**

All social media platforms operated by the Council are subject to the pre-election period guidance.

Specific guidance is set out below for the main social media platforms maintained by the Council:

#### **Twitter**

- Do not retweet political parties, politicians or political opinion.
- Do not tweet on matters which are politically controversial.
- Do not tweet images of political parties, politicians or subjects which are politically controversial.
- Tweets by and about the Mayor may be retweeted as long as they are not of a political nature.
- In exceptional circumstances please first seek permission from Communications to tweet or retweet a comment by a politician during the pre-election period.

#### **Facebook**

- Do not post or share updates from political parties, politicians or political opinion.
- Do not post or share images from political parties, politicians or political opinion.
- Monitor your page and delete any content which is politically controversial with an explanation that this has been done because of the rules that govern the pre-election period – you can always provide a link to this advice.

#### **YouTube & Flickr**

- Do not post or share updates from political parties, politicians or political opinion.
- Do not post or share images from political parties, politicians or political opinion.

- Monitor your page and delete any content which is politically controversial with an explanation that this has been done because of the rules that govern the pre-election period – you can always provide a link to this advice.
- Videos or images by or about the Ceremonial Mayor may be added as long as they are not of a political nature.
- In exceptional circumstances please first seek permission from Communications to add a YouTube clip by a politician during the pre-election period.
- Please disable the ability to download images of politicians during the pre-election period.

For further and more specific advice please contact:

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