



SHEPTON MALLET TOWN COUNCIL

PRE ELECTION GUIDELINES

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AUTHOR: Town Clerk

RESPONSIBILITY: Policy and Resources Committee

GRADE: Three – Low

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AMENDMENTS:

GUIDANCE FOR COUNCILLORS PUBLICITY IN THE PRE-ELECTION PERIOD

1.0 Summary

1.1 Local authorities are prohibited by law from doing anything which might be regarded as impacting upon public support for a political party. This prohibition is particularly pertinent when elections are being held. The period between the notice of election and the election itself is commonly referred to as 'Purdah' period and Councillors and Officers should take particular care during this period.

2.0 Introduction

2.1 On 2nd May 2019 elections will be held for both wards of Shepton Mallet Town Council. This note has been prepared to provide guidance to Councillors and Officers and to have regard to the National Code of Practice published under the Local Government Act 1986. ("Code of Recommended Practice on Local Authority Publicity" published by the Department for Communities and Local Government in March 2011).

2.2 The note focuses in particular on publicity in the pre-election period.

2.3 NB The Code places specific duties on unitary, county and district councils and London boroughs. Town and Parish Councils are included in the 1986 Act but many of the amendments which place much stricter restrictions on principal authorities do not apply. However, Town/Parish Councils may wish to follow them as best practice.

3.0 The purpose of publicity

3.1 The main purposes of the Council's publicity include increasing public awareness of the services the Council provides, allowing the public to have an informed say about issues that affect them, explaining to the public the reasons for particular policies and priorities and, in general, improving local accountability.

4.0 Prohibition of political publicity

4.1 At all times, and not just in the pre-election period, there is in law (applicable to Town and Parish Councils) an absolute prohibition of political publicity. The Council is under a duty not to publish any material which, in whole or in part, appears designed to affect support for a political party. (Section 2(1) of the Local Government Act 1986).

4.2 The words "publicity" and "publish" refer to any communication in whatever form addressed to the public at large or to a section of it. The content and style of the material, the time and circumstances of its publication and its likely effect on those to whom it is directed will be relevant factors in determining whether material falls within the prohibition.

5.0 Publicity in the pre-election period

5.1 Mendip District Council and the surrounding parish and town council elections will take place on Thursday 2nd May 2019 and the 'Purdah' period runs from Monday 18th March 2019 until the close of polls on polling day.

5.2 During this period there is a ban on the Town Council publicising the views of political parties, issuing press releases or promoting initiatives with quotes and photos from a particular Councillor, which could be seen as unfairly promoting one political agenda over another.

5.3 The basic principle is that any activity which could call into question political impartiality or could give rise to the criticism that public resources are being used for party political purposes is suspended for this time.

5.4 In almost all respects, it will be “business as usual” for the Town Council during the ‘purdah’ period, and the publicity that this necessarily creates. The National Code of Practice recognises that publicity may include information about individual Member’s proposals, decisions and recommendations where this is relevant to their position and responsibilities within the Council. The National Code does not prohibit the publication of information on politically sensitive or controversial issues but it does provide guidance on publicity at sensitive times such as during the purdah period.

5.5 Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums. It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during this period to avoid breaching any legal restrictions.

5.6 During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.

5.7 In general, local authorities should not issue any publicity which seeks to influence voters.

5.8 However, this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support or oppose a question put at a referendum. It is acceptable to publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject of the vote.

5.9 "The issue which the National Code of practice seeks to address is that of the Council, as a corporate body, influencing, through its own publicity, support for any particular candidate or political party. The National Code of practice does not restrict robust political debate within Member meetings which continue during the pre-election period. Neither does it restrict what Members say or do in their individual capacities, for example responding to media enquiries made directly to them about Council business, or undertaking constituency work in their wards (although of course, during the pre-election period Members must still comply with the Council’s Members’ Code of Conduct).

6.0 Members Code of Conduct

6.1 It is a breach of the Council’s Code of Conduct for members to use resources improperly for political purposes.

7.0 Use of Council resources

7.1 During the Purdah Period Officers of the Council and Members need to take extra care not to use Council resources or issue any publicity that could be construed as an

attempt to influence the outcome of any of the elections in any way. Examples might be publicity including reference to any of the candidates.

7.2 Council facilities include resources such as email and ICT secretarial/administrative services, stationery which can continue to be used by Councillors to carry out their normal duties. Councillors cannot use them for electioneering or canvassing.

8.0 Employees in Politically restricted posts

8.1 Officers with politically restricted posts are prohibited from political activity but this does not preclude such employees from engaging in any prohibited activity “to such extent as is necessary for the proper performance of their official duties.”

9.0 Other issues

9.1 The Code prevents an authority from incurring any expenditure to: publish material, which appears to be designed to influence local people in deciding whether or not to sign a petition, for example, requesting a referendum; assist anyone else in publishing such material; or influence or assisting others to influence local people in deciding whether or not to sign a petition

9.2 No political posters or material should be displayed in any office or establishment; on cars used by employees for official business, or cars parked in Council car parks.

10.0 Conclusion

10.1 The Council is under a continuing duty not to publish any material which, in whole or in part, appears designed to affect support for a political party. This applies at all times, not just at election time.

10.2 The National Code of Practice does not stop all publicity in the Purdah Period and the proximity of an election does not necessarily turn what would have been non-party political at any other time into political publicity. Thus, for example, the launch of a statutory plan or the opening of a development are events largely beyond the timing of the Council that may ordinarily be fronted by a Councillor. The Code does not prevent such events taking place and objective publicity being given to them.

10.3 That said, during the Purdah Period particular care should be taken to ensure that the Council’s publicity is not open to criticism that it is being undertaken for political purposes. In some cases, it may be necessary to defer announcements until after the election although this will need to be balanced against events the timing of which, as noted above, may largely be beyond the control of the authority. It may be more appropriate for announcements and press releases to be covered by Officers. During the Purdah Period, each case will need to be considered on its merits.

10.4 .If Councillors have any questions in relation to purdah they are to direct them to the Town Clerk.

Further information can be obtained from: <https://www.local.gov.uk/our-support/purdah/code>

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