

COUNTY COUNCIL ELECTIONS – MAY 2013

PURDAH GUIDANCE

GUIDANCE FOR ALL ELECTED MEMBERS

AND LOCAL AUTHORITY STAFF IN CUMBRIA

1 Introduction

- 1.1 In the period leading up to an election, known as 'purdah', restrictions apply across the Local Authority governing campaigning and publicity.
- 1.2 County Council elections will take place on 2 May 2013. The purdah period should be treated as commencing on the day the Notice of Election is published and will end immediately after polling day. This year the period starts on **Friday 22nd March** and ends at the close of poll on **Thursday 2nd May**.
- 1.3 Although there are no District Council elections scheduled for 2nd May a number of district councillors are likely to be taking part in the County elections as candidates, agents or canvassers etc.
- 1.4 Although the normal business of the County Council should continue throughout the purdah period proper regard must be had to the statutory provisions on local authority publicity, the Code of Recommended Practice on local authority publicity and the members Code of Conduct.
- 1.5 Particular care needs to be taken during the purdah period with Council press releases, photo calls, election sensitive issues and use of the authority's resources for political purposes.
- 1.6 If in doubt officers or members should seek advice from the Assistant Director – Legal and Democratic Services or the Senior Manager – Democratic Services.

2 **Background**

- 2.1 The Local Government Act 1986 prohibits a local authority from publishing any material which, in whole or in part, appears to be designed to affect public support for a political party. “*Publicity*” is “*any communication, in whatever form, addressed to the public at large or to a section of the public*”. The meaning of publicity can be widely interpreted and the Code of Recommended Practice on Local Authority Publicity, which the Government re-issued in March 2011, offers assistance and guidance.
- 2.2. Publicity can include newsletters, the Council’s website, leaflets, exhibitions, conferences and any other kind of public communication. In deciding whether any material contravenes the prohibition regard shall be had to a number of matters including the time or other circumstances of publication, so extra care is required at election time.
- 2.3 The Council must have regard to the Code of Practice in coming to any decision on publicity. In relation to elections the Code says:-

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.

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.

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

- 2.4 Under the members’ Code of Conduct members must ensure that the Council’s resources are not used improperly for political purposes (including party political purposes). Such use would be acceptable if it could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the member has been elected or appointed. The Council’s resources include those of the political group offices and their staff. It should also be remembered that the revised Code now specifically requires members to have regard to the Code of Practice in relation to Local Authority Publicity.

- 2.5 Section 75 Representation of the People Act 1983 in effect makes it a criminal offence for someone other than the candidate or their election agent or persons authorised by the election agent to incur expenditure on publicity encouraging electors to vote for a particular candidate.

3 **Guidance**

- 3.1 County Council business including Cabinet, Committee and other meetings should continue as normal. Care should be taken with publicity around such business or Council events to ensure that the Council's publicity resources are not used or allowed to be used or manipulated for party political purposes or to promote a member who is a candidate in the elections.
- 3.2 Members holding positions of special responsibility with the Council eg, Chair, Cabinet member and Committee chairs and who would normally be expected to make some public comment on issues of the day may still do so, but care should be taken to limit such occasions and to ensure that they do not promote a particular political party or candidate involved in the election. It follows that particular care should be taken where the member concerned is a candidate in the election.
- 3.3 Specifically particularly sensitive or controversial matters should be handled carefully to ensure that Council publicity on such matters does not and is not calculated to impact on public opinion for or against a particular candidate or political party.
- 3.4 Council publicity should not portray Council or Committee decisions as those of a particular member and these should be portrayed as decisions of the Council. The issue of official press statements about County Council decisions on a factual basis for public information purposes may still continue subject to these guidelines.
- 3.5 Reasonable requests by members who are candidates at the election to visit County Council establishments in the course of their County Council functions may be met subject to the approval of the Corporate Director and to operational requirements. Such visits will not be supported by the County Council's media team.
- 3.6 Council resources should not be used for political purposes. The Political Group Offices are provided to support members in the discharge of their functions as Councillors. Their resources should not be used to carry out party political activities or for private purposes, including purposes relating to the election.
- 3.7 Care should be taken in responding to requests for ad hoc meetings of a public nature to ensure that they are required for the proper discharge of the Council's business and not to promote a particular candidate or party in the election campaign.

- 3.8 Requests for action, or postponement of planned action, by individual members should be treated with caution.
- 3.9 Material relating to the election or wider political issues should not be posted on official notice boards which may be seen by members of the public. This includes publicity issued on, or on behalf of, a trade union.
- 3.10 Officers who hold politically restricted posts, or who are likely to be involved or employed in connection with the elections, should be reminded of their obligations not to take part in the political campaign or canvass on behalf of a political party or candidate.
- 3.11 It is not normal to issue any further general instructions or detailed advice but please consult me, or one of the Council's senior lawyers on any particular problems which may arise.

Caroline Elwood
Interim Assistant Director – Legal and Democratic Services (Monitoring
Officer)

February 2013