

# Policy

## Pre-Election Period Policy

This Procedure is a document that sets out the organization’s approved and agreed practices. Any deviation must be discussed with the originating author.

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2	All	Complete rewrite in line with LALC policy 2019	3 Mar 21
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1. DOCUMENT CONTROL SHEET

<b>Purpose of document:</b>	This guidance note is intended to detail the restrictions that apply to official council organised publicity in the run up to local elections
<b>Dissemination:</b>	This policy will be disseminated to all staff and council members and be made available on the parish website
<b>Implementation:</b>	This document will be accessible via the parish council website and is applicable to all staff and council members.
<b>Review:</b>	This document will be reviewed in 2027 unless there are significant changes in legislation or practice in which case it will be reviewed earlier.
<b>Documents replaced or superseded by this document:</b>	Nil
<b>This document supports (enter Standards and Legislation:</b>	Code of Recommended Practice on Local Authority Publicity 2011 Local Government Act 1988
<b>Key related documents:</b>	Nil
<b>Financial Implications:</b>	This document has no financial implications for the Billingham Parish Council.
<b>Key word search</b>	elections, Publicity, Referendums

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## 3. Introduction

a. This policy replicates ‘A short guide to publicity during the pre-election period’ published by the Local Government Association which can be accessed [here](#).

b. It is important to note that pre-election rules restrict activity wider than just publicity. Use of council facilities and resources; the member’s code of conduct, developing new policies and holding of events (including some meetings) featuring elected officials should all be carefully considered during a period of heightened sensitivity.

c. The previously used term ‘purdah’ came into popular use across central and local government to describe the period of time immediately before elections or referendums when specific restrictions on communications activity are in place. The terms ‘pre-election period’ and ‘heightened sensitivity’ are now used instead.

d. The Code of Recommended Practice on Local Authority Publicity in 2011 is based around seven principles to ensure that all communications activity:

i. Is lawful.

ii. Is cost effective.

iii. Is objective.

iv. Is even-handed.

v. Is appropriate.

vi. Has regard to equality and diversity.

viii. Is issued with care during periods of heightened sensitivity.

e. The last principle, to ensure special care is taken during periods of heightened sensitivity is of particular relevance during the pre-election period.

f. The publication of press notices and information regarding the holding of polls are exempt from these restrictions as is providing factual responses to specific

requests for information, for example, information about how people can register to vote.

g. At all times, local authorities should ensure that publicity complies with all applicable statutory provisions, including the Code of Recommended Practice. Paid-for advertising must comply with the Advertising Standards Authority's Advertising Codes.

f. In general, authorities should not issue any publicity which seeks to influence voters, ensure that publicity relating to policies and proposals from central government is balanced and factually accurate, and comply with laws which prohibit political advertising on television or radio.

#### **4. Pre-election restrictions**

a. 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 part.”**

b. Section 4 of the Act makes clear councils need to have regard for the code of recommended practice that supports the Act. The new code of practice published in 2011 makes the following essential points:

i. In general you should not issue any publicity which seeks to influence voters (an exception being situations covered by legislation or regulations directing publication of information for explanatory purposes)

ii. Particular care should be taken between the time of publication of a notice of an election and polling day.

iii. Consider suspending the hosting of third party material or closing public forums if these are likely to breach the Codes of Recommended Practice

iv. Do not publish any publicity on controversial issues or report views on proposals in a way which identifies them with candidates or parties

v. Publicity relating to individuals involved directly in the election should not be published unless expressly authorised by statute

vi. You are allowed to publish factual information which identifies the names, constituencies and parties of candidates at elections

#### **5. Guidance**

a. Publicity is defined as **“any communication, in whatever form, addressed to the public at large or to a section of the public”**.

b. The first question to ask is ‘could a reasonable person conclude that you were

spending public money to influence the outcome of the election?' In other words it must pass the 'is it reasonable' test. When making your decision, you should **not**:

- i. Produce publicity on matters which are politically controversial
  - ii. Make references to individual politicians or groups in press releases
  - iii. Arrange proactive media or events involving candidates
  - iv. Issue photographs which include candidates
  - v. Supply council photographs or other materials to political group staff unless you have verified that they will not be used for campaigning purposes.
  - vi. Help with national political visits (as this would involve using public money to support a particular candidate or party). These should be organised by political parties with no cost or resource implications for the council.
- c. When making your decision you should also **think carefully** before you:
- i. Continue to run campaign material to support your own local campaigns. If the campaign is already running and is non-controversial (for example, on issues like recycling or foster care) and would be a waste of public money to cancel or postpone them, then continue. However, you should always think carefully if a campaign could be deemed likely to influence the outcome of the election. In such cases you should stop or defer them. An example might be a campaign on an issue which has been subject of local political debate and/or disagreement.
  - ii. Launch any new consultations. Unless it is a statutory duty or considered normal council business, such as budget consultations. Councils should consider carefully before starting any new consultations or publish report findings from consultation exercises, which could be politically sensitive.
- d. When making your decision you **are allowed** to:
- i. Continue to discharge normal council business (including determining planning applications, even if they are controversial).
  - ii. Publish factual information to counteract misleading, controversial or extreme (for example, racist/sexist information).
- e. If you are in any doubt, seek advice from your Returning Officer and/or Monitoring Officer, legal or communications colleagues.
- f. Ultimately, you must always be guided by the principle of fairness. It is crucial that any decisions you take would be seen as fair and reasonable by the public and those standing for office.