

Pre-Election Period 2023
Council and Parish Council Elections – Thursday 4 May 2023

Guidance to Members and Officers

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UTTLESFORD DISTRICT COUNCIL

PRE-ELECTION PERIOD 2023 COUNCIL AND PARISH COUNCIL ELECTIONS – THURSDAY 4 MAY 2023

GUIDANCE TO MEMBERS AND OFFICERS

1. OVERVIEW

- 1.1 On Thursday 4 May 2023, elections will take place for all Councillors and for Parish Councillors (where a Parish Council election is required).

For full details see:

[Local Elections 2023 - Uttlesford District Council](#)

- 1.2 Following the publication of the Notices of Election on 22 March 2023, the official pre-election period commences from these dates and has a number of implications for the council, councillors and officers.
- 1.3 The council's duties and powers are defined by legislation. Its resources may not be used for any other purpose and, in particular not for political purposes or to promote the electoral advantage of any candidate, group of candidates or political party. This applies to all council resources including information, staff time, ICT resources, buildings, equipment and supplies; publicity and events.
- 1.4 Council officers must not carry out any activity which could call into question their political impartiality, or which could give the impression that public resources are being used for party political purposes.
- 1.5 The above principles apply at all times, irrespective of the electoral cycle. In addition, special provisions apply in the period leading up to an election. The formal pre-election period for the local elections 2023 to be held on 4 May 2023 will run from **Wednesday 22 March 2023 to Thursday 4 May 2023 inclusive**.
- 1.6 This document sets out guidance both on the general rules that apply at all times (sections 2 to 5) and on the specific pre-election period rules (sections 6).
- 1.7 Any officer who does not comply with this guidance may be subject to disciplinary action. Councillors must comply with the Council's Code of Conduct for Members and the agreed procedures for dealing with any alleged breach of that Code. Depending on the circumstances, action could also be taken by, the Electoral Commission, through the courts
- 1.8 If you have any questions on the matters covered by this guidance, please contact Jane Reynolds, Monitoring Officer, jreynolds@uttlesford.gov.uk

2. USE OF COUNCIL RESOURCES AND FACILITIES

(These rules apply at all times, including during the election period)

General

- 2.1 The council's resources may only be used in support of the council's functions. Party political activity, electoral campaigning and canvassing are not council functions, and the council's information, staff, funds, buildings, equipment, supplies and other facilities must not be used for such purposes.

Use of stationery, printing, council logos and postage

- 2.2 Council headed stationery (including letterheads, compliment slips, headed or plain envelopes), printing and photocopying facilities are provided at public expense and may only be used in connection with, or in support of, council functions.
- 2.3 Council corporate logos, branding and images (including photographs), headed stationery, council-paid postage or the council's photocopying facilities must not be used for any non-council business/matter including:
- communications of a business, commercial or personal nature
 - correspondence of political groups or candidates which include persons other than Members; or
 - for party political purposes, e.g. in connection with fund raising for the benefit of a political party or candidate, advocating membership of a political party or supporting the return of any person to public office.

Use of Premises

- 2.4 Council premises may not be used as political campaign offices or in connection with canvassing or other political activity.
- 2.5 During the election period, candidates are entitled to the free use at reasonable times of public meeting rooms and school premises for the purposes of public meetings to promote their candidacy. Details are set out in the 'Guidance to schools during the election period' at Appendix 1.

3. PUBLICITY

(These rules apply at all times, including during the election period)

The law relating to publicity

- 3.1 The council must not publish material that, in whole or in part, appears to be designed to affect public support for a political party or candidate. In determining whether material falls within this prohibition, regard must be had to its content and style, the time and other circumstances of publication and the likely effect on those to whom it is directed, and in particular to:
- whether the material refers to a political party or candidate, or to persons identified with a political party or candidate;

- whether the material promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party or candidate and not another; and
- where the material is part of a campaign, the effect which the campaign appears designed to achieve.

3.2 The council must not give financial or other assistance to a person for the publication of material which the council is prohibited from publishing itself.

3.3 In coming to any decision on publicity, the council must have regard to the Code of Recommended Practice on Local Authority Publicity.

General rules for council publicity and communications

3.4 All council publicity must –

- be relevant to the council's responsibilities
- be objective and explanatory, not tendentious or polemical
- not be, or be liable to be misrepresented as being, party political
- be conducted in an economic and appropriate way, having regard to the need to be able to justify the costs as expenditure of public funds
- aim to inform, not to persuade, the public. Publicity about policies should be as objective as possible, concentrating on facts and explanation

3.5 The council's comments or responses to central government or other public bodies' proposals and policies should be balanced, informative and objective. They must not be a prejudiced, unreasoned or political attack on the policies, proposals or those putting them forward.

All staff should ensure that when broadcasting, publishing articles, books or communications of any sort, whether public statements or responses to press enquiries which are connected with the work of the council, that the response is objective and if in doubt they should obtain clearance from their Director in advance.

3.7 Officers should also have regard to the council's Member Officer Protocol, particularly the section on Media Liaison. Staff are reminded they need to exercise additional caution in their use of social media channels, which are rarely private, during the pre election period.

Publicity about individuals

3.8 Publicity about individual Members may properly include –

- Information about their contact details, the positions they hold, their responsibilities; and
- Information about their proposals, decisions and recommendations, where this is relevant to their position and responsibilities in the council.

3.9 Any such publicity must be objective and explanatory and, whilst it may acknowledge the part played by those individuals as holders of particular positions, the over-personalisation of issues or excessive personal image making should be avoided.

4. OBLIGATIONS ON STAFF

(These rules apply at all times, including during the election period)

All Staff

- 4.1 Under the Code of Conduct for Employees, the council requires all employees to exercise care and judgment in the exercise of their duties, endeavouring always to represent the council's interests to most benefit and avoid damaging the reputation of the council.
- 4.2 This includes not conducting themselves in any way that may appear to conflict with their duty of political impartiality. Whatever beliefs a staff member holds whether political or otherwise, it is important to reflect on all behaviour so as not to give the appearance of partiality and to ensure they do not bring the council into disrepute. Staff should not under any circumstances express any political allegiances in any way, for example by wearing lapel badges, displaying posters in their cars or any social media information regarding working on elections.

Politically Restricted Posts

- 4.3 Some council posts are designated as 'Politically Restricted' under the Local Government and Housing Act 1989 ('the 1989 Act'). Officers holding politically restricted posts are reminded that:
- They may not canvass or campaign in the interests of any political party, or on behalf of a candidate seeking election or subscribe a candidate's nomination paper.
 - They may not hold office in a political party, if holding office includes participating in the general management of the party or branch, or if holding office includes dealing with outside bodies on behalf of the party.
 - They may not speak or publish any written or artistic work with the intention of affecting political support for a political party or candidate.
 - They may not stand for election themselves, either in this City or anywhere else.

5. OBLIGATIONS ON MEMBERS

(These rules apply at all times, including during the election period.)

Code of Conduct for Members

- 5.1 The following provisions of the Code are relevant to elections, council publicity and the use of council resources:
- Members should treat all people with respect, they should not bully any person and should respect the impartiality and integrity of the council's officers. When using or authorising the use by others of the council's resources, a Member must:
 - Ensure they are used only for legitimate council purposes and not for other purposes.
 - Ensure that the council's resources are not used improperly for political purposes (including party political purposes).

- A Member must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- Members must act solely in the public interest. They should not improperly confer (or seek to confer) an advantage or disadvantage on any person. They should not act to gain financial or other benefit for themselves, their family, friends or close associates.

6. PRE-ELECTION PERIOD – ADDITIONAL RULES

The pre-election period

- 6.1 During the pre-election period, the following special rules apply in addition to the above:

Time for council duties

- 6.2 Members must ensure that they devote sufficient and reasonable time for them to properly fulfil their normal council duties, irrespective of whether they are a candidate at the election or campaigning on behalf of a candidate. Essential business (including routine meetings) should not be deferred or cancelled simply to avoid a conflict with campaigning commitments and members should undertake business as usual wherever possible. Any expenses or allowances claimed by Members must relate solely to council business.

Publicity and events

- 6.3 The Code of Recommended Practice on Local Authority Publicity provides that (extract):-

“33. Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections [... ...]. 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.

34. 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 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.

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

- 6.4 ‘Publicity’ is defined widely and may include events which provide a platform for any candidate at the election and/or where the subject matter is politically controversial or aligned to a particular party policy.
- 6.5 Therefore policy launches, official openings, walkabouts or similar events that involve elected members should wherever possible not be scheduled during the pre-election period. Where it is necessary to hold an event that generates publicity, or dealing with a

particular topic which may be controversial, care must be taken to avoid publicity that may contravene the code, such as photographs of candidates who are standing for election, or officers sharing a platform with members that could indicate support for a particular party's policy. You must take care to ensure that no candidates are given prominence, for example including them in a photo call. You must also take care that events cannot be used to give publicity to candidates and their views.

- 6.6 Special care must be taken in relation to the announcement of any decision by the council on a matter that might be considered controversial at the election. There should be a presumption against undertaking new publicity campaigns on any such matter. Care must also be taken in relation to ongoing publicity campaigns, which should not be open to the criticism that they are being undertaken for political purposes. Campaigns which are liable to be misrepresented as party political must be stopped until after the election.
- 6.7 The restrictions apply to publicity and pro-active events during the period. 'Business as usual' meetings which are necessary to carry out the functions of the council may continue even if they involve Members standing for election, but the publicity issued by the council after such a meeting will be affected by the restrictions. Where officers attend site visits or other events as part of normal council business, they should avoid being photographed with elected members or any other activity which could be interpreted as the officer endorsing or supporting a candidate or party at the election.
- 6.8 If you have any questions on whether a particular piece of publicity is appropriate during the election period please contact please contact Jane Reynolds, Monitoring Officer, jreynolds@uttlesford.gov.uk.

Press statements and conferences

- 6.9 During the pre-election period care must be taken when public or press statements are made. Where the Leader considers it necessary to make a press statement to clarify the council's policies on a particular subject of immediate importance, council officers should provide facilities and give guidance. In exceptional and/or sensitive circumstances it may be more appropriate for the Chief Executive to make a press statement on behalf of the Council.
- 6.10 Care should be taken in arranging any press interviews for Members because of the possibility that such interviews would have a strong political content. The distinction between political and council statements will be under very close scrutiny during this period. Press interviews should not be arranged unless the subject is non-controversial, and the Member is speaking in a council capacity. Council press releases and publications and the website should not mention, feature or quote any election candidate. Nor should they mention, feature or quote any Member except a Member holding a key political or civil position commenting on an emergency or an important event outside of the council's control where there is a genuine need for a Member level response.
- 6.11 In some circumstances it may be acceptable for the council to "put the record straight" if damaging misinformation has been circulated as part of a campaign or for any other reason. This will be an exceptional case.

Campaign material

- 6.12 Campaigning material or political posters may not be displayed on any council premises, notice boards etc. Officers should ensure that political leaflets are not displayed in the reception areas of council service outlets.
- 6.13 The provision by the council of its resources for the purposes of a candidate's election, or the use by a candidate for such purposes of any council resources after the date when they become a candidate at the election, is an unlawful election donation under the Political Parties, Elections and Referendums Act 2000 which also sets out civil and criminal penalties for evading the rules.
- 6.14 During the election period, Section 75 of the Representation of the People Act 1983 specifically prohibits anyone (other than a candidate or their agent) incurring expenditure with a view to promoting or procuring a candidate at an election by holding public meetings or organising any public display, issuing advertisements, circulars or publications, or otherwise presenting to the electors the candidate or their views or the extent or nature of their backing, or disparaging of another candidate. Breaking this prohibition is a 'corrupt practice' under election law and may result in prosecution of offenders and/or cause an election to be declared void.

Briefings and policy advice

- 6.15 During the pre-election period, staff may properly be called upon to provide support for any official or statutory function that Members perform. They may also provide factual briefings and policy advice that is necessary to resolve issues that cannot be deferred until after the election, and may check statements for factual accuracy and consistency with established council policy. They may not, however, be asked to provide briefings for use in election campaign debates or literature. Officers should not provide advice or information to one party which amounts to commenting on, or analysis of the effects of, another political party's policies or manifesto proposals. Officers should not attend meetings that involve or may be construed as dealing with election issues.
- 6.16 Requests for information from candidates must be met in an even-handed manner.

Members' support and publication of information about Members

- 6.17 The council may continue during the pre-election period to publish contact information for each ward councillor, publicise surgeries for the ward represented by the Member and other factual information relating to their council duties, and this facility will be offered to all Members.
- 6.18 Some Members may have links to blogs on the council's website; these will be removed during the pre-election period.

Visits by Candidates

- 6.19 Requests for visits by candidates to council premises, except to visit the Returning Officer or his staff about their candidacy, may only be authorised by a Director provided that:

- Official support is not given to them.
- There is no disruption to services.
- The same facilities are offered to all other candidates.

6.20 Requests for visits by candidates to schools during school hours are a matter for the governing body. If they are agreed, the governing body would be expected to ensure that there is no disruption to services and that the same facilities are offered to all other candidates.

Visits by Ministers or Members of Parliament

6.21 The test for visits by Ministers or MPs is whether the visit is for government purposes or for party/electoral purposes. Official support must not be given to visits and events with a party political or campaigning purpose, which should be treated in the same way as for a candidate's visit.

6.22 Where a visit which is for official/government purposes takes place during the pre-election period, the council should not issue any publicity in relation to the visit. Please also ensure that, if any invitations are sent to any Cabinet Members or other administration Members to attend the event, they should also be sent to all other political groups. No quotes can be published by the Council from the Minister, MP or any Members. Council publicity, if any, must be limited to factual report of the visit and its purpose.

Third party events and community meetings

6.23 Events or publicity which are arranged by external organisations but which are funded by, or in partnership with, the council are covered by the restrictions in the same way as a council-organised event, because any publicity arising from the event for a candidate would have been facilitated by council resources.

6.24 In addition such events or publicity are covered by the restrictions if they take place during the pre-election period regardless of when the decision was taken to fund them.

6.25 In practical terms this means that pro-active events of this nature should be avoided during the pre-election period. Where it is essential that they do take place, care must be taken to avoid attendance by, or publicity for, election candidates unless it is possible to achieve a balanced and equal input from all political parties or those involved in the election.

6.26 Some community groups which council officers attend or service may invite Members, MPs or candidates to speak at their meetings. It is important that officer attendance at these meetings does not imply a preference for a particular candidate or their party – it is therefore best to avoid these situations except where all political parties are represented. If this is not possible then officers should not share the same platform with the Members, MPs or candidates. Alternatively, the officer should request that all council-related issues are dealt with first and then leave before any political debate takes place.

6.27 Members may continue to have meetings with the community during the pre-election period in connection with their council duties, where these are directly linked to the functions of the council and are part of the ordinary business of service delivery. However, care must be taken to ensure a balanced approach, with access for all political groups or those standing

for election and Members should ensure they do not use such meetings for political purposes or to canvass or seek to obtain political support.

- 6.28 Events arranged by external organisations and funded entirely from a non-council source are not covered by the restrictions in the Code of Recommended Practice.

7. Additional information

- 7.1 Officers are reminded that as part of normal council business, Members should be directing their communications through senior officers such as Directors. Members should not normally be engaging in discussions or asking for information directly from officers. If in any doubt officers should speak to their line manager about any unexpected approach by a Member.

8. CONTACT DETAILS

If you have a query on any matter relating to the forthcoming election, please contact:

For legal and governance matters

Norman Coombe
Locum Legal Services Manager & Deputy Monitoring Officer
Email: NCoombe@Uttlesford.gov.uk

For election matters

Philip Hardy
Electoral Services Manager

Phone 01799 510434
Email phardy@uttlesford.gov.uk
General queries email elections@uttlesford.gov.uk