



WINCANTON TOWN COUNCIL

GUIDANCE FOR COUNCIL AND COUNCILLORS PUBLICITY IN THE PRE-ELECTION PERIOD

Adopted by full council on 24th January 2022

1.0 Introduction

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

1.2 These guidelines have 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. The guidelines focus on the publicity in the Pre-Election period.

2.0 Purpose of Publicity

2.1 The main purpose of the council’s publicity includes 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.

3.0 Prohibition of Political Publicity

3.1 At all times, and not just in the Pre-Election period, there is in law an absolute prohibition on 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.

3.2 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.

4.0 Publicity in the Pre-Election Period

4.1 The Pre-Election period is at least six weeks long and will be called by the local authority in advance of the election and will last until the close of polls on polling day. During this period there is a ban on the town council publishing 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.

4.2 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.

4.3 In almost all respects it will be business as usual for the town council during the Pre-Election 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.

4.4 Local authorities should pay 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 legal restrictions.

4.5 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 of proposals in such a way that identifies them with any individual member or group 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 names, wards and parties of candidates at elections.

4.6 In general, local authorities should not issue any publicity which seeks to influence voters. However, this general principle is subject to any statutory provision which authorises any 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: 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 opinions which are the subject of the vote.

5.0 Member's Code of Conduct

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

6.0 Use of Council Resources

6.1 During the Pre-Election Period officers of the council and members need to take extra care not to use council resources to 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 the publicity including reference to any of the candidates. Council facilities include resources such as email and ICT and administrative services including photocopying.

7.0 Other Issues

7.1 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.

7.2 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.

8.0 Conclusion

8.1 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 times.

8.2 The National Code of Practice does not stop all publicity in the Pre-Election period and the proximity of an election does not necessarily turn what would have been non-party political publicity at any other time into political publicity. During the pre-election period particular care should be taken to ensure that the council's publicity is not open to criticism that 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 time of which may largely be beyond the control of the council. It may be more appropriate for announcements and press releases to be covered by the officers. During the pre-election period, each case will need to be considered on its merits.

Further information is available from the Local Government Association

<https://www.local.gov.uk/publications/short-guide-publicity-during-pre-election-period>

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