

A short guide to publicity during the pre-election period (published by the Local Government Association)

Introduction

In response to requests from council communications teams to produce simple guidance to communicating during the pre-election period (previously known as 'purdah'), we are publishing this short, updated guide.

This document provides advice on the publicity restrictions that should be observed during the pre-election period. **It should be read in conjunction with any guidance produced by your own Returning Officer or Monitoring Officer, which provides specific advice depending on your local circumstances.**

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.

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.

2022 local elections

A number of councils will have elections on Thursday 5 May 2022, including London boroughs, London mayors, and all councils in Wales.

The latest date that the pre-election period can start for the local elections is Monday 28 March 2022.

The date may change in the event of days being appointed for public thanksgiving or mourning.

Local government sometimes views this period as a time when communications has to shut down completely. This is not the case, and the ordinary functions of councils can continue, but some restrictions may be imposed by law.

The code

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

- is lawful
- is cost effective
- is objective
- is even-handed

- is appropriate
- has regard to equality and diversity
- is issued with care during periods of heightened sensitivity.

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

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.

At all times, local authorities should ensure that publicity complies with all applicable statutory provisions, including the Code of Recommended Practice on Local Authority Publicity 2011. Paid-for advertising must comply with the Advertising Standards Authority's Advertising Codes.

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.

Legal basis and official guidance

The pre-election restrictions are governed by Section 2 of the Local Government Act 1986², as amended in 1988.³ Essentially councils should **'not publish any material which, in whole or in part, appears to be designed to affect public support for a political party'**.

Section 4⁴ of the Act makes clear that councils need to have regard to the code of recommended practice. The essential points from the code are:

- 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).
- Particular care should be taken between the time of publication of a notice of an election and polling day.
- Consider suspending the hosting of third party material or closing public forums if these are likely to breach the code of practice.
- Do not publish any publicity on controversial issues or report views on proposals in a way which identifies them with candidates or parties.
- Publicity relating to individuals involved directly in the election should not be published unless expressly authorised by statute.
- You are allowed to publish factual information which identifies the names, constituencies and parties of candidates at elections.

What this means in practice

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

The first question to ask is ‘could a reasonable person conclude that you are 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 consider the following:

You should **not**:

- produce publicity on matters which are politically controversial
- make references to individual candidates or parties in press releases
- arrange proactive media or events involving candidates
- issue photographs which include candidates
- supply council photographs or other materials to political group staff unless you have verified that they will not be used for campaigning purposes
- continue hosting third party blogs or e-communications
- 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.

You should also **think carefully** before you:

- 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 recruitment, 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.
- 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.

You **are allowed** to:

- continue to discharge normal council business (including budget consultations or determining planning applications, even if they are controversial)
- publish factual information to counteract misleading, controversial or extreme (for example, racist/sexist) information.

If you are in any doubt, seek advice from your returning officer and/or monitoring officer, legal or communications colleagues.

Ultimately, you must always be guided by the principle of fairness. It is crucial that any decision you take would be seen as fair and reasonable by the public and those standing for office.

Further guidance

You can find more information from the following:

- referring to advice published by your Returning Officer and/or Monitoring Officer
- the Code of Recommended Practice on Local Authority Publicity
- annex A – template letter to councillors.

Frequently asked questions

[Read our FAQs on the pre-election period](#)

Annex A: Template letter for sending to councillors ahead of local elections

Dear Councillor,

Guidelines and restrictions on decision making and publicity during the pre-election period

As you will be aware, the local elections are due to take place on 5 May 2022 so I thought it would be useful to remind you about the guidelines and restrictions on publicity during the pre-election period that starts on 28 March 2022. These restrictions apply to all elections happening during this period.

From the start of the pre-election period, the council must comply with restrictions outlined in Section 2 of the Local Government Act 1986. In addition a Code of Recommended Practice on Local Authority Publicity published in 2011 makes clear that particular care should be taken in periods of heightened sensitivity, such as in the run up to an election. The Act defines publicity as **“any communication, in whatever form, addressed to the public at large or to a section of the public.”**

Generally, the Act says that we should **“not publish any material which, in whole, or in part, appears to be designed to affect public support for a political party.”** The Code of Practice recommends that authorities should generally not issue any publicity which seeks to influence voters and that publicity relating to individuals involved directly in the election should not be published unless expressly authorised by statute.

Decision making

In relation to decision making within the council, the position remains that it is 'business as usual' unless there are very good reasons why this should not be the case. In the vast majority of cases, the pre-election period will have no impact on normal council business, including the approval of planning decisions.

What this means

- The primary restriction is on proactive publicity by the council which particularly relates to candidates and other politicians involved directly in the election.
- The council can still issue media releases on factual matters provided that these do not identify individual councillors or groups of councillors.
- Councillors are still free to respond to enquiries received from the media in a personal capacity.
- Individual councillors can issue their own statements, write letters to the local newspaper(s) for publication, contact the media directly or say what they like in a personal capacity, but must not use council resources to do so.

It is still possible for the council to issue statements on behalf of a councillor holding a key political or civic position provided it relates to important events which are outside the council's control and can be shown to justify a member response. These occasions are likely to be rare and to be the exception, rather than the rule.

I hope this letter provides you with the general information you need for the pre-election period, but if you have specific concerns or queries, please feel free to **contact xxxx**.

Yours sincerely