



## GUIDANCE ON ACTIVITIES AND PUBLICITY DURING PRE-ELECTION PERIODS

### 1. INTRODUCTION

- 1.1 In the United Kingdom, the pre-election period (previously known as “purdah”) is the period between the actual date of the election and the date on which the election was announced, formally. During this period, both central and local government should not make announcements about any new or controversial initiatives which could be seen to be advantageous to any candidates or parties in the forthcoming election.
- 1.2 The pre-election period has been imposed in ministerial guidance since at least the early 20th century reflecting an earlier "self-denying ordinance". It has considerable moral authority, with a breach carrying with it in worst cases the possibility of actions for abuse of power and misconduct in public office.
- 1.3 The activities of local authorities in England and Wales are governed amongst other things by the Recommended Code of Practice for Local Authority Publicity issued under the Local Government Act 1986, Section 2 of which prohibits local authorities from publishing material which, in whole or part, appears designed to influence public support for a political party.
- 1.4 Local authorities are required to have regard to the Code in reaching any decision on publicity and have to abide by the overriding principles of:
  - lawfulness;
  - cost-effectiveness;
  - objectivity;
  - even-handedness;
  - appropriateness;
  - have regard to equality and diversity; and
  - ***be issued with care during periods of heightened sensitivity***

- 1.5 The pre-election period is such a period of “heightened sensitivity” and the Code specifically provides the following in relation to this:

**“Care during periods of heightened sensitivity**

- 33 Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums – see paragraphs 7 to 9 of this code. 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 Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute.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.
- 35 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 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. It is acceptable to publish material relating to the subject matter of 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 options which are the subject of the vote.”

**2. WHAT THIS MEANS IN PRACTICE**

- 2.1 As indicated above, the period between the notice of the election and polling day is a very sensitive time for all concerned and care must be taken not to be seen to be showing or giving the impression of bias, favour or support to any candidate for election or any political party. Authority Members and Officers (i.e. Service employees) should therefore think very carefully about the impact of any events or proposals being considered or launched during this period so as to avoid any impression of bias or support. That having been said, the business of local government and providing services must go on. It is, therefore, “business as usual” during the pre-election period but subject to the following:

- all proactive publicity involving any candidates and other politicians involved directly in the election must cease;

- no communications, activity or publicity campaigns should take place which could call into question political impartiality of the Authority, the Service or its officers (employees);
- Service resources must not be used for political purposes (**note:** this applies at all times, not just during the pre-election period);
- the Authority should avoid proactively publicising any controversial issues or report views, proposals or recommendations in a way that identifies them with individual politicians or parties;
- care should be taken with the use and content of any official websites which will be scrutinised closely by the media and political parties during the election (see also guidance on social media below);
- all responses to events and legitimate service enquiries should be factual and non-party political; and
- requests for advice and information from candidates or political parties should be treated with even-handedness, be dealt with as soon as possible and with any response being purely factual.

## 2.2 Expanding on the above:

- all Councillors (i.e Authority Members), technically, remain in office until the third day after the date of the election;
- All Officers should at all times behave and act in a way that is politically neutral. Those Officers employed in politically restricted posts are also further constrained in their ability to engage in any political activity and **cannot** in law:
  - hold office in a political party;
  - act as an election agent or canvass on behalf of a political party or a candidate for election; or
  - speak in public, give interviews or publish any written work with the intention of affecting public support for a political party.

If you are unsure as to whether or not you hold a politically restricted post, you should contact Democratic Services for advice;

- as indicated, the normal business of the Authority and Service must continue and where the Authority, as a corporate body, is considering or promoting a decision or launching a service then it is entirely proper to proceed. Again, though, consideration needs to be given to who may be invited to such events, which should wherever possible be all-party and preferably exclude any candidates for election. Sometimes however an event may have been fixed for many months and is overtaken by the electoral timetable. In this event, if the event cannot be postponed then invitations must be sent to all candidates/political parties and this should also be made clear in any publicity about the event;

- Generally, Service resources must not be used at any time to promote or support any party political activity. In line with this, Service premises (other than meeting rooms – see section on Use of Service Resources below) may not be used for political or public meetings organised by any political party or candidate during the period of the election and it should go without saying that any request by a political party to use Service premises (other than meeting rooms at such premises) should be politely declined. A strict application of this rule will avoid any possible confusion or misunderstanding and the maintenance of a level playing field for all concerned [See further guidance below];
- in a similar vein, resources such as Service or Authority e-mail addresses, headed paper etc. should not be used for political purposes (e.g. on election materials);
- the period running up to an election can also see an increase in the number of requests from politicians to visit Service establishments. The protocol to follow for visits to Service premises is appended to this document. In dealing with any request received during the pre-election period, the Officer-in-Charge must not be seen to be favouring one or more candidate to the detriment of others. The Chief Fire Officer and Director of Corporate Services must be kept informed of all such requests and the decision of the Officer-in-Charge. An Officer-in-Charge is not obliged to agree to a request to visit and if it is felt that such visits would interfere with the smooth running of their establishment or disrupt service provision, then the Officer-in-Charge may politely decline. If in doubt, contact Democratic Services;
- if consent is given to a visit – whether this is to a sitting MP or candidate (or a Minister) – then similar requests from other candidates would be harder to refuse. All requests must be given equal consideration and acceding to a visit by one candidate and not others other would undoubtedly give a perception of bias.

### **3. USE OF AUTHORITY AND SERVICE RESOURCES**

- 3.1 As indicated above, Service resources – generally – should not be used at any time to promote or support any party political activity.
- 3.2 There is, however, a notable exception to this during the pre-election period (i.e. the time between when an election is called and the date of the election itself). Section 96 of the Representation of the People Act entitles a candidate at a local government election to use, free of charge and at reasonable times, meeting rooms for an election meeting.
- 3.3 Officers in charge of facilities with meeting rooms (e.g. community rooms at fire stations) should be aware of this provision and should deal with any requests accordingly in a fair and consistent manner. Further guidance on this may be sought from Democratic Services as necessary.

- 3.4 Except for the use of meeting rooms as outlined above, candidates (including sitting councillors standing for re-election) have no additional rights over and above those of any other member of the public.
- 3.5 No political posters or similar election material should be displayed in any Service office or establishment or in or on vehicles used by Officers for official business or which are parked in Service car parks.
- 3.6 Similarly, contractors working on behalf of the Service must not display and political/election material in or on their vehicles and this should be made clear all such contractors.
- 3.7 Care should also be taken to ensure that Service premises are not used in any way to promote or signify any favour or support for any individual candidate or political party (e.g. as a backdrop to a photograph used in election material). Again, please contact Democratic Services as necessary if further, specific guidance is needed in relation to this.

#### **4. PUBLICITY**

- 4.1 “Publicity” is not limited to media and/or press releases issued for print or broadcast (either by traditional channels or social media). It also includes printed materials sent to a wider audience; newsletters; information on websites; posters and leaflets; badges, t-shirts and other ‘giveaways’; advertising; exhibitions; conferences and consultations.
- 4.2 During the pre-election period:
- Publicity should not be given to any matters which are deemed to be politically controversial and caution should be exercised before undertaking any significant media exercise;
  - photographs of persons, as candidates in the election, will not normally be issued/included in Authority or Service publications;
  - prior to any request for Authority/Service photographs and other materials being considered, enquiries will be made as to the use to which they are to be put, and appropriate restrictions on use may be imposed if supplied;
  - Authority events arranged in this period should not involve current councillors standing for election; and
  - individual candidates should not be invited as speakers or guests at any function which may be organised for or on behalf of the Authority or Service, unless all other relevant candidates have been offered a similar opportunity
- 4.3 The Service Corporate Communications Team should be contacted for assistance with all dealings with the media. The Team can also, on request, advise on briefing journalists, arranging interviews and escorting press and camera crews on tours of Service buildings.

## **5. SOCIAL MEDIA**

- 5.1 Members and Officers who ‘officially’ blog or use social networking sites (e.g. Facebook or Twitter) in connection with their work should take extra care during this period. They should make it clear that they are governed by the pre-election rules in the period before an election. To do this, it may be helpful to tweet or post a link to this guidance.
- 5.2 The simplest and most elegant solution is, however, simply not to post or tweet. Any posts or tweets that are made must not:
- provide updates from political parties, politicians or political opinion;
  - deal with matters which are politically controversial;
  - share images of political parties, politicians or subjects which are politically controversial, or
  - stage a significant online campaign unless it can be demonstrated that this is both necessary and non-political.
- 5.3 Members and Officers should of course monitor their pages and delete any content which is politically controversial with an explanation that this has been done because of the rules that govern the pre-election period, linking such statements to this advice.
- 5.4 Where an Officer holds a politically restricted post the bar on “publishing any written work with the intention of affecting public support for a political party” is much higher and includes writing, sharing or retweeting such content on any social media platform, even if the item is published in a restricted or closed group.
- 5.5 Notwithstanding the above, the simplest approach – as previously advocated – is not to tweet or use social media at all during the pre-election period.

## **6. SUMMARY**

- 6.1 The period between the notice of an election and the election itself should preclude proactive publicity of candidates and other politicians involved directly in the election.
- 6.2 Any communications – including the Authority/Service website – should not proactively publicise controversial issues or report views, proposals or recommendations in a way that may identify them with individual politicians or parties.

- 6.3 It is perfectly acceptable for the Authority and/or Service to respond in appropriate circumstances to events and legitimate service enquiries provided that responses are factual and not party political. The business of the Authority and Service goes on in a pre-election period and Authority Members (i.e. Councillors) holding key positions (e.g. Authority and Committee Chairs) are still able to comment in an emergency or where there is a genuine need for a political response to an important development outside the Authority's control.
- 6.4 It is, however, sensible to avoid proactive events during the pre-election period and if any are held they should not involve existing Authority Members or candidates likely to be standing for election. If that is problematic – say because an event has been ongoing for many months and is 'overtaken' by the election timetable – then it would be prudent to invite relevant Members from all political parties and ensure their attendance/involvement is acknowledged in any Authority publicity.

## **7. CONTACT DETAILS FOR FURTHER GUIDANCE/ASSISTANCE**

***For general advice/further clarification on the pre-election period, contact Democratic Services:***

Steve Yates ([syates@dsfire.gov.uk](mailto:syates@dsfire.gov.uk); internal extension 2329; external direct dial 01392 872329)

Sam Sharman ([ssharman@dsfire.gov.uk](mailto:ssharman@dsfire.gov.uk); internal extension 2393; external direct dial 01392 872393)

***For assistance with other issues (e.g. visits, media enquires), contact Corporate Communications:***

Paul Compton ([pcompton@dsfire.gov.uk](mailto:pcompton@dsfire.gov.uk); internal extension 2313; external direct dial 01392 872313)

Paul Slaven ([pslaven@dsfire.gov.uk](mailto:pslaven@dsfire.gov.uk); internal extension 2259; external direct dial 01392 872259)

Suzie Izzard ([sizzard@dsfire.gov.uk](mailto:sizzard@dsfire.gov.uk); internal extension 2296; external direct dial 01392 872296)

**AUTHORITY PROTOCOL FOR VISITS AT THE TIME OF AN ELECTION BY  
MINISTERS, MPs, MEPs, PARLIAMENTARY CANDIDATES AND LOCAL  
AUTHORITY CANDIDATES**

[NOTE: For a general election, from the date of the announcement by the Prime Minister until the date of the election. For local elections, from the date of the publication of the notice of election until the date of the election]

<b>Who</b>	<b>What</b>	<b>Action</b>
MPs and MEPs	Visiting any establishment in <u>any</u> constituency	<p>Consent of the Officer-in-Charge required.</p> <p>The Officer-in-Charge should inform the Chief Fire Officer and the Clerk to the Authority (Director of Corporate Services) who will then advise the Authority Chair and other Authority Members as appropriate.</p> <p>The Clerk, in consultation with the Chief Fire Officer, will advise on those persons who should be invited to accompany the visitor and who should invite them.</p>
Government Minister or Shadow Spokesman	Visiting any establishment	<p>Consent of the Officer-in-Charge required.</p> <p>The Officer-in-Charge should inform the Chief Fire Officer and the Clerk to the Authority (Director of Corporate Services) who will then advise the Authority Chair and other Authority Members as appropriate.</p> <p>The Clerk, in consultation with the Chief Fire Officer, will advise on those persons who should be invited to accompany the visitor and who should invite them.</p>
Parliamentary and/or Local Authority candidates	Visiting an establishment in the constituency they are contesting	<p>Consent of the Officer-in-Charge required.</p> <p>The Officer-in-Charge should inform the Chief Fire Officer and the Clerk to the Authority (Director of Corporate Services) who will then advise the Authority Chair and other Authority Members as appropriate.</p> <p>The Clerk, in consultation with the Chief Fire Officer, will advise on those persons who should be invited to accompany the visitor and who should invite them.</p>