

EAST SUSSEX PRE-ELECTION PERIOD ('PURDAH') GUIDANCE FOR ELECTED MEMBERS AND LOCAL AUTHORITY STAFF

Introduction

'Purdah' is a term that has commonly been used to describe the period leading up to an election – commencing on the date the Notice of Election is published and ending at the close of the poll on election day.

Although normal Council business continues through the purdah period, the Code of Recommended Practice on Local Authority Publicity requires Councils to pay particular regard to the legislation governing heightened sensitivity in the 'purdah' period before elections and referendums.

The Local Government Act 1986 prohibits a local authority from publishing any material at any time "*which, in whole or in part, appears to be designed to affect public support for a political party*".

However, during 'purdah' a number of the normal protocols and behaviours around a council's activities in general, and around publicity and communications in particular, become more restricted than usual.

This guide summarises the key parameters from national guidance and is intended to provide a practical and unambiguous approach to managing the 'purdah' period for officers and elected members across East Sussex.

Contents

Introduction	1
Contents.....	1
Decision making and Council meetings during the pre-election period	2
Council publicity and press statements	2
Current Members	3
Member visits to Council establishments/'walkabouts'/street activities	3
Use of Council facilities and resources	4
Officers.....	4
Referendums.....	5

East Sussex guide for the pre-election (purdah) period for elections and referendums

The underlying purpose of this guidance is to ensure that local authorities take steps to minimise the risk of influencing the outcome of a particular election or referendum either intentionally or inadvertently.

This guidance applies to all authorities where an election or referendum affects some or all of the area's residents. Where an election affects another authority, such as a neighbouring authority, or a small part of the authority area, then an authority should have regard to the potential risks with a view to ensuring that the principles of this guidance are applied if necessary.

Decision making and Council meetings during the pre-election period

Council, Cabinet, Committee and other meetings may continue to meet as normal.

The Council, as a corporate body, may promote the taking of a decision or the launch of a service.

Specific advice:

- Avoid, wherever practicable, taking decisions, bringing Council motions or undertaking scrutiny projects that are politically sensitive or controversial; instead plan to consider such matters outside purdah.
- Council publicity on sensitive or controversial matters that *must* be decided during purdah must be designed so as not to impact on public opinion for or against a particular candidate or political party.
- Handle requests for petitions or deputations carefully to ensure that they do not seek to influence public opinion for or against a particular candidate or political party.
- Press releases or other publicity should be purely factual and should exclude quotes attributed to individual elected Members.
- Consider whom to invite to events associated with promoting a decision: aim for all-party representation and preferably exclude any candidates standing in the election.
- 'Exempt' or confidential information should not be provided for electioneering purposes.

Council publicity and press statements

The definition of *publicity* includes: press releases, social media statements but not agendas and minutes of meetings.

Councils may still carry out normal publicity activity, for example, publicising the use of services or highlighting decisions made or about to be made as listed in the Forward Plan.

Councils may publish factual information about individual Members (whether or not they are election candidates) which is objective and explanatory, and is not party political nor open to misinterpretation.

Councils may publish information that identifies the names, wards/divisions and parties of election candidates.

Councils may publish material to correct factual inaccuracies that appear in publicity produced by third parties in connection with the election campaign.

Specific advice:

- Council publicity should avoid the *proactive* publicity of election candidates and other politicians involved directly with the elections
- Publicity relating to individuals involved directly in the election should be limited to basic factual information such as: names, wards/divisions and parties of candidates standing.
- Councils should not issue publicity on sensitive or controversial issues or report views and proposals in a way that identifies them with individual Members or groups of Members.
- Councils must not use, nor allow others to use or manipulate, its publicity resources for party political purposes or to promote an elected Member or any other election candidate.
- Councils should carefully monitor and, if necessary, suspend the hosting of content by third parties, or close hosted public forums, where it can be anticipated that the facility may be used to promote a particular candidate or party in the election campaign.

Current Members

The business of the Council continues as usual and local Members and Lead Members will have their respective responsibilities to perform.

Specific advice:

- Members should not be quoted in council publicity/press releases
- Members should not use their role to confer on or secure for themselves or any other person or party an electoral advantage or disadvantage.
- Members who are standing as, or publicly supporting, an election candidate should not use their role to promote their candidature or to support a candidate; Members will need to consider, if supporting a particular candidate, whether they need to declare an interest under the Code of Conduct.
- Members must not use Council resources to initiate election campaigning activities.
- Members may be denied access to 'exempt' or confidential information for electioneering purposes.

Member visits to Council establishments/'walkabouts'/street activities

Reasonable requests by elected Members, including those who are also election candidates, to visit Council establishments in the course of their Council functions, can be met.

Specific advice:

- Such requests must not be met in a way that favours one or more candidates or political parties over others.

- Councillors must not use these occasions to promote a particular political party or candidate involved in the election.
- Officers should not organise or take part in walkabouts or visits to establishments; such events should not be supported by the Council's Communications Team.

Use of Council facilities and resources

Council resources include but are not limited to: premises, staff time, printing and photocopying facilities, stationery, telephones/fax, transport, postal services, ICT equipment and web facilities.

Third parties such as voluntary and community organisations may continue to undertake their normal business where they would typically use Council resources, for example: holding meetings in Council premises; printing publications and other materials; advertising in Council promoted publications and on websites; and taking part in engagement exercises hosted by the council.

Election candidates are able to hold a public meeting in Council meeting rooms or school in the candidate's local area free of charge once a candidate's nomination form is accepted by the Returning Officer. (Special booking arrangements will be needed to operate).

Specific advice:

- Council resources must *not* be used for the promotion of any of the election candidates or political parties, or for campaigning for or against any of the candidates or parties (with the public meeting exception applying to election candidates).
- Take additional care when responding to requests for ad hoc meetings of a public nature to ensure that they are required for the proper discharge of the Council's business and that they do not promote a particular candidate or party in the election campaign.
- Consider whether it is necessary to suspend the hosting of material produced by third parties, or to close public forums, to avoid breaching any legal restrictions.

Officers

Officers should carry out their normal duties including continuing to brief Members on Council business.

Briefings provided for election candidates must be even-handed such as providing common information to all candidates and sharing responses to 'FAQs' with all parties.

Specific advice:

- Officers must avoid any action which is or may reasonably be perceived as being supportive of any party or candidate.
- Officers at all levels should not engage in party political activity that compromises their neutrality and objectivity at work.
- Officers who hold politically restricted posts, or who are likely to be involved or employed in connection with the elections, should be reminded of their ongoing

obligations not to take part in a political campaign or canvass on behalf of a political party or candidate.

Referendums

Councils should follow any statutory provision that authorises expenditure on the publication of material designed to influence the public as to whether to support or oppose a question put at a referendum.

Councils may publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies that have appeared in publicity produced by third parties.

Specific advice:

- Any publicity produced by Councils must be even-handed, objective and must not support or oppose any of the options that are the subject of the vote.

This election and referendum 'purdah' guidance has been jointly agreed by:

Eastbourne Borough Council
East Sussex County Council
Hastings Borough Council
Lewes District Council
Rother District Council
Wealden District Council

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