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PRE ELECTION PERIOD DISTRICT, BOROUGH AND PARISH ELECTIONS GENERAL ELECTION 7 MAY 2015 GUIDANCE FOR COUNTY COUNCIL MEMBERS AND OFFICERS

Background

As you are probably aware in the period between notice of an election and the date of the election there are restrictions that apply to the County Council's decision-making processes and to the publicity which the County Council can issue. In the case of the District, Borough and Parish Council elections and the General Election (all to be held on 7 May 2015) this period (referred to in this note as 'PERP') will commence on 30 March 2015 and continue until 7 May 2015 (inclusive). Results will usually be declared after 7 May, but this does not affect PERP.

The restrictions seek to ensure that there is no appearance of support for any particular party or individual seeking election. Publicity produced by the County Council is subject at all times to the provisions of Section 2 of the Local Government Act 1986 (restrictions on publicity appearing to be designed to affect public support for a political party) and to the Government Code on Local Authority Publicity. Many of these provisions, however, increase in importance in the period immediately before an election and what may appear to be uncontroversial outside an election period might be perceived differently in a pre-election period. Even though there are no County Council elections this year, some County Councillors are also District/Borough Councillors and may be standing for election. This will also be a period of intense political activity both locally and nationally and the activities of the County Council may have an impact on elections to other bodies.

'Publicity' includes not only press releases but any other communication in whatever form addressed to the public including Council magazines, newsletters and other publications, Herts Direct and consultations.

The aim of this guidance is to provide practical advice to both Members and Officers on what can and cannot be done during PERP and to ensure that the County Council is protected from challenge on the ground that it is supporting, or perceived to be supporting, any political party or candidate.

Advice

The business of the County Council should continue as normal during PERP subject to the guidelines below:

1. No press releases, or other publicity, should be issued quoting any Member.

DRAFT

2. Care should be taken to ensure that, in any press releases or other publicity, any quotes or statements are neutral in tone, avoid controversy and avoid association with any political party or candidate in the election or the policy or programme of any political party or candidate. This also applies to any displays or exhibitions on County Council premises or which the County Council is promoting or sponsoring, whether or not the material which is the subject of the exhibition or display has been produced by or on behalf of the County Council.
3. The Leader's blog will cease and be removed from the home page of the County Council's website.
4. The Leader or relevant Executive Member may comment on situations of emergency or where there is a genuine need for a Member response.
5. Members may continue to deal with their everyday constituency work, including correspondence from constituents.
6. Officers should continue to keep members informed on matters relating to their division or portfolio in the same way as prior to the commencement of PERP. Members should use any such information for the purposes of their role as a County Councillor only and should not use it for any purpose connected with the elections.
7. New policies or initiatives should not be announced or commenced during PERP unless these are unavoidable or clearly not politically controversial and any new policies or initiatives that are announced or commenced should be presented neutrally and not associated with any political party or candidate in the election.
8. The County Council should not commence any consultations during PERP unless they are unavoidable or required by law, in which case they should be presented neutrally and not associated with any political party or candidate in the election.
9. Officers should not arrange events to highlight a County Council service, to celebrate completion or roll out of a new initiative or an open day within the PERP period.
10. Officers should not hold or attend meetings with candidates in the election or with prominent political figures unless these are part of normal business and clearly not contentious. If officers have any concerns about holding or attending any meeting involving a candidate at the election or a political figure then they should seek advice from the Chief Legal Officer.
11. Nothing in this guidance should be taken as precluding the Chairman of the County Council from maintaining a blog or continuing to attend civic functions, receiving publicity and being quoted in County Council publications or otherwise, provided that the functions are genuinely civic in nature and not used, and provided that any attendant publicity or statements are not used, as a means of canvassing.

DRAFT

12. The PERP restrictions apply to the County Council, to publicity issued by or on behalf of the County Council and to the use of County Council resources and facilities. They do not prevent Members from contacting the press themselves, making political statements, organising photo shoots or engaging in political activity generally. However, they must not use County Council resources or facilities to do so or give the impression that they are representing the County Council.
13. PERP does not apply to the media who are under no obligation to adapt their coverage or avoid asking candidates or County Councillors for political comment.

The Chief Legal Officer, Kathryn Pettitt, Richard Stevens, Corporate Solicitor or the Head of Communications and Strategic Engagement, Lindsay Coulson, will be happy to clarify any aspects of this guidance or to deal with any questions members or officers may have.

Kathryn Pettitt
Chief Legal Officer
February 2015