

PRE-ELECTION PUBLICITY GUIDANCE
FOR
TENDRING DISTRICT COUNCIL MEMBERS AND OFFICERS

- ***CLACTON PARLIAMENTARY CONSTITUENCY BY ELECTION***
- ***ESSEX COUNTY COUNCIL BRIGHTLINGSEA DIVISION BY ELECTION***

9th OCTOBER 2014

INTRODUCTION

This guidance is intended for both Members and Officers of TDC.

It covers a number of issues which arise as a result of elections being held while the Council needs to continue with its normal business.

SUMMARY OF KEY POINTS

- The “Purdah” period applies from the date the Notice of Election was published (*9 September 2014 for the Parliamentary By Election and 5 September 2014 for the Brightlingsea By Election*) until the date of the Poll – *9 October 2014*.
- The Council is prohibited at all times from undertaking activities or providing publicity “designed to affect support for a political party” and during the purdah period the obligation to ensure that no candidate or party is favoured is heightened.
- The key test for local government communications or other activities during purdah is “could a reasonable person conclude that you were spending public money to influence the outcome of the election?”
- So the general rule is that during the purdah period for these elections the Council’s press releases which relate to the *Clacton Constituency area or the Brightlingsea Division area* (including any which relate to the whole of the District) will not include the names, photographs or quotations from any politicians.

- The Council's day to day work will continue on a "business as usual" basis with decisions being made and services provided but we will seek to avoid consideration of, or publicity for, politically contentious issues during the purdah period.
- The basic principle for all officers is not to undertake any activity which would call into question their political impartiality, or could give rise to the criticism that public resources are being used for party political purposes.
- No elected member or officer is permitted to use any Council resources for private or party political purposes.

DUTIES OF THE RETURNING OFFICER

- The roles and responsibilities of a Returning Officer are set by law. They are a series of powers and duties which are the personal responsibility of the person appointed as Returning Officer.
- Ian Davidson is the Acting Returning Officer for the Parliamentary *By Election* – and has personal responsibility for conducting the *By Election*. For the *Brightlingsea Division By Election* he is the Deputy Returning Officer (with full powers to deliver the By Election). Martyn Knappett is the Deputy for both elections with full powers.
- Returning Officers are not local government employees for the purposes of conducting elections and are not accountable to the Council or its members in carrying out their statutory functions.
- The Returning Officer is required to conduct all elections entirely in accordance with the law.

DECISION MAKING

- "Business as usual" will continue for services with decisions being made and services delivered.
- However, decisions, meetings, public consultation exercises and publicity campaigns on issues which it is considered have the potential to be politically contentious may be re-scheduled until after the election. This will avoid the risk of the decision making process being skewed or otherwise affected.

- Management Team members and Service Managers should familiarise themselves with the Council’s approach to purdah as set out in this guidance and should not permit any issue to be brought forward during the purdah period which is likely to create political advantage.

PUBLICITY

- The law says the Council must never publish “any material which, in whole or in part, appears to be designed to affect public support for a political party”. In this context “publicity” is defined as “any communication, in whatever form, addressed to the public at large or to a section of the public”.
- The above applies to events and spoken communications as well as written communications.
- All TDC press releases during the purdah period will require the approval of the Chief Executive or Corporate Director (Corporate Services) before publication.
- During the purdah period for these elections the Council’s press releases which relate to the *Clacton Constituency area or the Brightlingsea Division area (and that includes any which relate to the whole of the District)* will not include the names, photographs or quotations from any politicians.

USE OF RESOURCES

- No elected member – whether a member of the Cabinet, Chairman of a Committee or any backbench member – or officer is permitted to use any Council resources for private or party political purposes.
- Requests for information by candidates and political parties should be responded to in accordance with legal requirements and normal policies and in an even handed way.

SECURITY

- The Acting / Deputy Returning Officer will receive detailed and restricted advice from the appropriate bodies in relation to any security issues directly during the election period.

- Based on past experience Tendring has not been vulnerable or prone to any significant or particular security concerns. *However the 9th October elections are likely to have a heightened risk status.*
- Members and Officers should expect to see and be subject to more rigorous security requirements than for previous elections in the days leading up to Polling day and on the day itself.
- Access to the Parliamentary Count will be rigorously controlled and limited. It will be by invitation only.
- There will be close liaison with Essex Police to prepare operational policing plans to deal with the day to day policing of polling stations and the Count venue and also to respond to any incidents which may arise.

QUESTIONS AND QUERIES

- Officers should seek general guidance on the issues in this document from their Manager or Director or from Ian Davidson, Martyn Knappett or Lisa Hastings.
- All publicity matters should be referred to Nigel Brown, Communications Manager.
- Members should raise electoral issues with the Returning Officer via their candidate's Agents.
- Members should raise issues relating to the business of the Council as they are affected by the elections and purdah with the above officers.

GENERAL

All of the above is general guidance which should cover the majority of circumstances. There may however be legitimate exceptions to the guidance – where for example there is a major event outside the control of the Council, an emergency or a statutory requirement to act within the timeframe of the election. Judgements about those issues will be made on a case by case basis in light of the legal requirements and the need to maintain balance and impartiality.

Ian Davidson

Chief Executive