

25 February 2004

## Election communications protocol

### Introduction

Publicity issued by a local authority is subject to a number of constraints imposed by section 2 of the Local Government Act 1986 (as amended) and a code of practice issued under section 4 of that Act. The code of practice was amended in 2001 to reflect the changes made to local authority arrangements, in particular, the creation of the Executive as a body distinct from the rest of the Council.

The overarching principle contained in section 2 is that no publicity must be issued by a local authority which “appears to be designed to affect support for a particular political party”.

In deciding whether this principle is breached, account will be taken of the content and style of the material, *the time when it is issued*, and whether it not it refers to a particular party or person identified with it or whether it promotes or opposes a point of view that is politically controversial.

As well as refraining from issuing such material itself, a local authority must not give another person financial assistance to publish such material.

It will be clear from the above that the timing of such publicity will be highly relevant and the Code of Practice gives further guidance as to what is acceptable in the run up to a general election.

### **This Guidance**

This document recommends rules for use during the period of a General Election that are designed to ensure that the council is seen to be abiding by statutory requirements and in doing so to protect the council's reputation.

For the purposes of this protocol a council communication is defined as:

*Any information or publicity material issued to individuals or groups external to the Council, its members or employees*

Material includes leaflets, publications, news releases, media statements, verbal quotes provided to journalists, web communication, newsletters either published by the council or published by the council together with its partners. The guidance will also apply to events which may be seen to give a candidate for an election, or a particular party, public exposure, such as where they are asked to open a nursery, for example.

## The Code of Practice on Local Authority Publicity

The code states:

*The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members or groups of members.*

*However it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for member level response to an important event outside the authority's control. Proactive events arranged in this period should not involve members likely to be standing for election.*

### The News Media during a General Election

During an election period significant sections of the news media (particularly TV and radio) adhere to a process of delivering equity of coverage of the main political parties. They also pay particular attention to council communication activity in case of any perceived use of public resources to promote a policy or to persuade the public to hold a particular view on a policy.

### The protocol

To protect the reputation of the council and to ensure compliance with the requirements of the code of practice it is recommended that during a General Election period the council:

1. does not issue any communication that quotes or names any member who is standing as a candidate in the election
2. removes from its website any communication or publicity material from or about a member standing as a candidate in the election (apart from the factual details about a member of the Council which are no more than is available in relation to people who are not candidates.)
3. will not issue any proactive news release to the media
4. will continue to issue service information communication via the news media if it is necessary to do so (e.g. road closures, service disruption etc.)
5. will provide either a Director or an anonymous 'spokesperson' response to media requests for quotes, except in the case of an emergency or where there is a genuine need for a member level response to an important event outside of the council's control. In such cases, all communication will have to be cleared with the Director of Law or her representative.

6. Does not organise any events at which a person who is a candidate in the election will be asked formally to appear or make a speech.
7. does not organise any events at which any figure from a national political party is asked formally to appear or make a speech
8. ensures that all council leaflets and publications available during the period of the election do not contain references to or quotes from members who are candidates in the election
9. ensures that council leaflets and publications available during the election period do not refer to political parties or controversial policies associated with them;

For the above purposes, the election period starts when notice of election is given; if the current media speculation is correct and the general election is called for 5<sup>th</sup> May, it is likely that notice of election will be published on 14<sup>th</sup> April. However, for the purposes of the election, a person becomes a candidate on the date when the writ dissolving parliament is issued. This will probably be on the 11<sup>th</sup> April and accordingly the rules above will apply from that earlier date.

**Period between now and the commencement of the election period.**

Although the above rules will not apply between the issue of this guidance and the 11<sup>th</sup> April, extra care should be taken in relation to any communications issued or events organised. In relation to the former, if there **is** any doubt at all about whether their content is acceptable, they should be checked with the director of law; all public events involving members of the Council or national political figures must be cleared in advance by the Director of Law.

Further general legal guidance about council communications is available in the Media Guide booklet (pages 16 to 19) that is published on the intranet and in hard copy.

ENDS