



## PRE-ELECTION PERIOD (PURDAH)

### What Is the Pre-Election Period?

The period between the notice of an election and the election itself.

The Notices of Election will be published **20 March 2023** This marks the start of the pre-election period. This then lasts until Polling Day which is **4 May 2023**.

The pre-election period should preclude proactive publicity in all its forms of officers, 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. Proactive events arranged in this period should not involve members likely to be standing for election.

### Why is it important?

There are three reasons to be cautious about publicity and other media events in the run-up to an election:

- The statutory restrictions on publicity contained in the Local Government Acts 1986 and 1988, and the national Code of Recommended Practice on Publicity
- Councillors must also comply with the Council's Code of Conduct. This says that Members must not use their position as a councillor to confer or secure an advantage for themselves or any other person; and must ensure that the Council's resources are not used for political purposes. Acting in breach of the Code could result in a complaint to the Standards Committee
- There are strict controls on the amount that a candidate can spend on election campaigns, and all expenses must be declared. Councillors who are candidates should not put themselves in a position that attracts a claim that they are using Council resources for campaign purposes, in which case they would have to pay and declare the cost of those resources.

### Business goes on - Council Decision Making

The Council does have to continue its business during the election period and decisions have to be made. The important thing is to make sure that the Council's 'machinery' is not used for party political purposes. The Council is required to publish minutes and records of its decisions. These must continue to be published and may need to refer to Councillors. Particular care should be taken in recording any decisions made by individual Councillors as e.g. portfolio holders, or to the Cabinet

which is a single party body. Decision records and minutes should be confined to a statement of the decision made and the name of the relevant decision maker.

### **Consultations**

As stated above, normal business must go on. The Council is periodically involved in undertaking consultation on matters affecting the public. In general it is better to avoid this sort of exercise during the election period if at all possible. This is particularly so if a consultation exercise could be interpreted as engendering support for a particular group, or campaign, or if its timing could result in a political advantage for one party or individual. These rules are important for election purposes, and also for the reputation of the Council. All Members and Officers should strive to maintain the Council's good reputation in election matters.

### **Publishing Documents**

During this time the Council must not pro-actively publish any material which could be viewed as promoting a political party or which seeks to influence voters. Publish means to distribute to the public or a section of the public. It affects all forms of publicity including websites, public leaflets, notices etc. Leaflets, web photographs or other advertising designed to raise awareness of Council policies and services already in existence are acceptable as normal forms of communication about the Council and its services. However, if they refer to individual Councillors standing for election, that part of the information should be withdrawn during the election period.

### **Publicity**

During the election period, the Council should not publish any publicity on controversial issues or report views on proposals in such a way as to identify with any Member or political group. The rules do not prevent responses to enquiries from the media or the issuing of press releases which do not promote candidates etc. If unforeseen events occur which require a member level public response, the response should be factual and objective. Councillors who hold positions of special responsibility within the Council, such as Cabinet members, and who would be expected to make some public comment on important issues that arise will be able to do so, but this should be kept to an absolute minimum during the election period and should only occur if absolutely necessary. Responses should be factual and non-party-political. Sensitive or controversial matters will need very careful handling during an election period as they may impact on public opinion. The Chief Executive or Monitoring Officer should be consulted before issuing any publicity in relation to such issues. Publicity relating to individual Councillors involved in the election (whether as a candidate or indirectly as an agent or party supporter) should not be published during this time. However, an election web site could provide the names of candidates and their parties, details of polling stations, and voting rules provided the information is factual and does not promote individual candidates or parties.

### **Council Resources, Headed Paper, E-mail Addresses**

During the election period Councillors should be particularly careful about the use of any Council resources. Members should avoid corresponding about their candidacy or that of another Councillor standing for election using the Council's email address. The use of headed paper and council facilities, including accommodation is made available to Councillors for council business only. These resources should never be used to raise the profile of a candidate or a political party.

## The Use of Photographs

Council photographs of Councillors with Council staff, on Council premises should not be used during this period. This includes using the logo of the Council on any photograph of a Councillor. Photographs and logos are resources of the Council.

## Social Media

Officers and Councillors who blog or use social networking sites in connection with their work should take extra care during this period and comply with the following guidance when undertaking Councillor or officer duties:

- Please explain that as a council channel of communication you are governed by purdah in a period before an election. It may be helpful to tweet or post a link to an explanation of purdah for guidance;
- Do not tweet, post or share updates from political parties, politicians or political opinion;
- Do not tweet or post on matters which are politically controversial;
- Do not tweet, post or share images of political parties, politicians or subjects which are politically controversial;
- Do not stage a significant online campaign unless it can be demonstrated that this is both necessary and non-political;
- Monitor your page and delete any content which is politically controversial with an explanation that this has been done because of the rules that govern purdah linking to this advice;
- For employees whose posts are classed as politically restricted, note that the legal bar on “publishing any written work with the intention of affecting public support for a political party” includes writing, sharing or retweeting such content on any social media platform, even if the item is published in a restricted or closed group;
- Council employees who update third party social media profiles as part of their job are governed by purdah guidance. These profiles include business partnership profiles which the council supports. In these cases employees may either:
  - Opt out: For the duration of the purdah period hand over all administration to a non-council member of the partnership and allow them to add purdah-restricted content that council employees are unable to post. Resume adding content and managing after the election; or
  - Opt in: council employees can continue to add content or share administration duties but all content is governed by the purdah restrictions.

If you have any questions regarding purdah, please contact the Election Team on [electreg@nwleicestershire.gov.uk](mailto:electreg@nwleicestershire.gov.uk)

## Frequently Asked Questions

Do these rules apply to councillors who are not running for re-election?

Council business continues so all sitting councillors, whether seeking re-election or not, should have regard for the Publicity Code.

Can council officers get involved in campaigning in their own time?

Officers who hold politically restricted posts, or who are likely to be involved or employed in connection with the elections, should not take part in a political campaign or canvass on behalf of a political party or candidate.

Do the restrictions apply to officers who are members of a trade union?

Trade unions themselves are not bound by the Code, but individual officers are, and must have regard to the Code.

Can council press offices still put out press releases ahead of the election?

Yes, but with limitations. Official, factual press statements about council decisions for public information purposes may still be issued. However, no publicity should deal with controversial issues or report views or proposals in a way which identifies them with individual councillors or groups of councillors.

Can we host a photo call for the council leader or other leading councillor to open a new council facility (such as a play park) during purdah?

Generally not; however if the timing of the event is unavoidable and postponing it would adversely affect local residents (for example the opening of the facility has been delayed by long-running work and postponing the opening will cause the council to lose income), you might choose to have the event hosted by a non-political spokesperson.

Do the restrictions apply to council notice boards?

Councils are required to publicise details of the election and how to register to vote. Material relating to wider political issues should not be posted on official notice boards which may be seen by members of the public. This includes publicity issued by, or on behalf of, a trade union.

Can councillors issue their own press releases or talk to the media?

Councillors are free to talk to the media and issue press releases, but must not use council resources to do so.

Can councillors write letters 'for publication' to their local newspaper?

Yes, as long as they don't use council resources (such as staff) to help them do it.

Can councillors still tweet or blog?

Councillors can continue, but must not use council resources (such as council twitter accounts, email accounts, telephones etc.) to do so.

Can councillors who are up for re-election refer to themselves as councillors in their public statements?

A person remains as a 'councillor' and can refer to themselves as such until they retire on the fourth day after the ordinary day of election.