



DISTRICT AND PARISH COUNCIL ELECTIONS 2 May 2019



**Publicity Rules (Purdah)
Code for Council Members and Officers**

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The 2019 Elections - Publicity Rules

Richmondshire District Council must always observe the Local Authority Publicity Code relating to political publicity – but it is particularly important at election times. District and Parish Council elections will be held this year on **2 May 2019**.

The aim of the Code is to make sure that the public resources of the Council are not used to promote or give any political party, political campaign, or candidate an advantage during an election period. The rules apply to both Council Members (whether seeking re-election or not) and Officers. Publicity is defined as “any communication, in whatever form, addressed to the public at large or to a section of the public.” The Council is guided by the principle of fairness and any decision taken should be seen to be fair and reasonable to the public and to those standing for office.

This is a summary of the general rules about publicity:

- The Council cannot at any time publish material which is designed to influence support for a political party.
- Members cannot at any time use Council resources for party political purposes.
- The Council must at all times consider carefully any publicity that it sends out and what the impact of that publicity might be in accordance with the national code on publicity.
- In the normal course of events it is acceptable for the Council to publicise the work done by individual Members and to present the views of those Members on local issues - for example where a Councillor has been the ‘face’ of a campaign. But this is NOT acceptable during the election period.
- Members should not use Council leaflets and publications to promote themselves.

The pre-election restrictions are governed by Section 2 of the Local Government Act 1986 as amended in 1988. Essentially Councils should “**not publish any material which, in whole or in part, appears to be designed to affect public support for a political party**”.

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.

The Purdah Period

The notice of election will be published on **19 March 2019**. During the period between the publication of this notice and the election on **2 May 2019**, the Council is subject to further restrictions in relation to publicity. This election period is commonly referred to as ‘purdah’. Unlike Parliament, which is dissolved prior to a general election, Members remain in office and can refer to themselves as Councillors until they retire on the fourth day after the ordinary day of election (**6 May 2019**).

Publishing Documents

During ‘purdah’ the Council must not proactively publish any material which could be viewed as promoting a Councillor standing for election, 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, social media, leaflets and notices. Leaflets, web photographs or other advertising material designed to raise awareness of existing 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 Members standing for election, that part of the information should be withdrawn during purdah.

In the normal course of business it is acceptable for authorities to publish material, such as tweets/Facebook posts/press releases, which contain links to third party sites over which the authority has no control, and which contain material which does not comply with the Code. During purdah however, care must be taken to ensure the rules on publicity are not breached, and it may be necessary to suspend the hosting of third party material or links during this time.

The Council can still publish newsletters and bulletins during purdah, if they are done in the ordinary course of business and meet all other purdah requirements.

During purdah, 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 individual political group.

Sensitive or controversial matters affecting the District will need very careful handling during purdah as they may impact on public opinion. The Chief Executive or Monitoring Officer should be consulted before any such publicity is 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.

Publicity relating to those involved in the election should not be published during this time. However, an election website and noticeboards can 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. No material relating to wider political issues should be posted on official noticeboards which may be seen by members of the public. This includes publicity issued by or on behalf of, a trade union.

Under no circumstances should any political material be displayed, deliberately or otherwise, in or on Council buildings and vehicles. Members should not ask Officers to do display such material.

Media and press releases

The publicity rules do not prevent responses to enquiries from the media or to counteract misleading, controversial or extreme information; or the issuing of press releases which do not promote candidates. Responses should be factual and use relevant lead Officers rather than Members.

If an unforeseen event occurs within the District - such as an emergency situation or where there is a genuine need for a Member-led public response to a critical event beyond the Council's control - Members with special responsibilities within the Council, such as Committee chairmen will be able to do so. It is also worth considering asking the Council's Group Leaders to agree to a joint response. But this should be kept to an absolute minimum during the purdah period and should only occur if absolutely necessary. Responses should be factual, objective and non-party political.

Members are free to talk to the media and issue press releases of their own, but must not use Council resources to do so. Members can write letters 'for publication' to their local newspaper as long as they do not use Council resources (including staff) to help them do it.

Events

Where possible any proactive events due to take place during the purdah period - such as the launch of a new policy or the opening of a new establishment - should be postponed until after purdah. However, if the timing of the event is unavoidable and postponing it would adversely affect local residents or cause the Council to lose income, the event should be hosted by a non-political spokesperson.

Council Resources, Headed Paper, E-mails

Members and Officers should not use Council resources for private or party political purposes.

During the purdah period Members should be particularly careful about the use of any Council resources. Members should avoid corresponding about the candidacy of anyone standing for election using their Council email address. The use of RDC headed paper, staff and accommodation is made available to Members 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

The Council has a library of photographs, which include those of Members, which should not be used during this period. This includes photographs of Members with Council staff, on Council premises and the Council's logo. Members are prohibited from using the Council's photographs for their election campaigns as they are resources of the Council.

Before any request for Council photographs or other materials is considered, enquiries will be made as to the use to which they are to be put and an appropriate restriction on use imposed if supplied.

Business goes on - Council Decision Making

The Council does have to continue its business during the purdah period and decisions have to be made (including determining planning applications, even if they are controversial). The important thing is to make sure that the Council's 'machinery' is not used for private or 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 Members. Decision records and minutes should be confined to a statement of the decision made and the name of the relevant decision maker.

Bodies with Local Authority Funding

The restrictions imposed on publicity produced by local authorities also applies to any publicity issued by other organisations that receive local authority funding.

- If the local authority directly funds the publicity, the publicity rules apply.
- If there is specific funding for the publicity from another source the publicity rules do not apply.
- If there is a mixture of funding including that from a local authority it is safest to assume the publicity is subject to the publicity rules.

Consultations

As stated above, during purdah normal Council business continues. 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 purdah period if at all possible. This is particularly relevant 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. Publication of a report on a review should be delayed until after purdah. However, if there is an imperative to publish, it is best to use a non-political spokesperson.

Council Officers

Officers who hold politically restricted posts, or who are likely to be involved or employed in connection with the elections (including polling and count staff), must **not** take part in a political campaign or canvass on behalf of a political party or candidates (whether paid or unpaid). This includes, but is not limited to, subscribing to nomination papers and expressing support on social media.

Social Media

Members can continue to use social media, but must not use Council resources (such as official Council Twitter and Facebook accounts, RDC email accounts, telephone) to do so.

All social media platforms (Twitter and Facebook), operated by Officers are Council channels of communication and are governed by purdah.

As the Council now has a strong social media presence which is supported by a number of officers, the following list will provide some guidance on activity which is permissible or prohibited during purdah:

- Do not retweet or share political opinion or content posted by political parties or politicians (including Members and candidates)
- Do not tweet, post images or share updates on matters which are politically controversial
- Monitor your page and delete any content which is politically controversial
- Do not stage a significant social media-based campaign unless it can be demonstrated that it was planned before the election was called
- Disable the ability to download images of members during purdah. No photographs of candidates in the election will be issued
- In **exceptional** circumstances **seek permission** from the Monitoring Officer to tweet or retweet a comment by a politician or to use video and images of a politician during purdah
- Third party social media profiles, including business partnership profiles which the Council supports, are also governed by purdah. Council staff who update these profiles can either continue to add content in line with purdah restrictions or hand over ALL admin to a non-Council member of the partnership during purdah

During purdah officers who hold politically restricted posts, or who are likely to be involved or employed in connection with the elections must not pro-actively publish any material which could be viewed as promoting a Councillor standing for election, or which seeks to influence voters. On your own personal social media it is advised that you:

- Do not retweet or share political opinion or content posted by political parties or politicians (including Members and candidates)
- Do not tweet, post images or share updates on matters which are politically controversial
- Monitor your page and delete any content which is politically controversial

Election and Campaign Expenditure

Resources used on a candidate's election campaign is also subject to the rules in relation to election expenses. Election expenses include:

- Printing and distribution of leaflets or other promotional material
- Advertising material - posters and rosettes
- Administrative costs - campaign office
- Postage
- Expenses relating to holding public meetings - including payment of speakers
- Fees paid to election agents
- Expenses relating to the hire of committee rooms during an election
- Miscellaneous items

All expenditure of this nature must be accounted for and is subject to a maximum limit of £740 plus 6p for each entry in the Register of Electors for the appropriate electoral area.

Campaign Expenditure is any expenditure incurred by a party (or anyone else including a local authority) for electoral purposes - for the purpose of enhancing the standing of, or promoting electoral success for, a party/ candidate at a forthcoming or future election. This includes publicity which is disparaging towards another party or its candidates.

Campaign expenditure includes:

- Party political broadcasts
- Advertising
- Unsolicited material to electors
- Manifesto or other policy documents
- Market research and canvassing
- Media/publicity
- Transport
- Rallies or other events.

Whether the expenditure is incurred for that purpose will be determined by the form of the material and not the intention of the parties. If the District Council funds a meeting by providing free accommodation for an election rally, this is an election expense - even though the Council does not know that is the purpose of the meeting.

It also means that publicity material which has the effect of promoting a candidate, even if this was not the intention, may be an election expense.

More information

Should you require more information or wish to clarify any aspect of this document please contact:

Callum McKeon (Monitoring Officer) on 01748 901003; or

Katie Cullum (Democratic Services Manager) on 01748 901011

Further guidance can also be found on the

Local Government Association's website:

www.local.gov.uk/our-support/purdah/what-purdah-means-practice

**This information is available in
alternative formats and languages**



Richmondshire District Council

Mercury House, Station Road, Richmond DL10 4JX

01748 829100

enquiries@richmondshire.gov.uk

richmondshire.gov.uk

Facebook/Twitter: [@RichmondshireDC](https://www.facebook.com/RichmondshireDC)