

Elections and Referendums: Code of Practice for Members, Candidates and Staff

1. Introduction

- 1.1 This code applies to all Council members, candidates, political agents and staff and relates to the roles and rights of candidates at parliamentary, county and district elections and conduct during referendums.
- 1.2 The code reflects the Government's Code of Recommended Practice on Local Authority Publicity 2011. It refers primarily to the County Council's conduct in the run up to elections and referendums. Election candidates will need also to have regard to national regulations relating to conduct at elections, as well as the requirements of other public bodies such as the NHS.
- 1.3 Any comments or questions arising should be addressed initially to the relevant executive director, or to the County Returning Officer.

2. Parliamentary Elections

- 2.1 County Council members and staff should be even-handed and as helpful as possible to all candidates.
- 2.2 Except for the use of public premises in the pre-election period, parliamentary candidates, including serving MPs, have the same rights as any other member of the public. In law, only facilities and information available to the general public should be made available to them.

3. All Other Elections

- 3.1 County Council members and staff should be even-handed and as helpful as possible to all candidates.
- 3.2 Except for the use of public premises in the pre-election period, candidates have the same rights as any other member of the public. In law, only facilities and information available to the general public should be made available to candidates.

4. Referendums

- 4.1 There are statutory restrictions that prohibit the publication of certain material prior to certain types of referendum. Essentially the Council should not publish material that expresses support for or opposition to a referendum question, or which appears designed to encourage someone to sign a petition relating to the constitutional affairs of the authority.

5. Guidelines to Councillors

- 5.1 Serving councillors should not seek to use their position as members to obtain privileges from the County Council for any candidates in relation to:
- (a) The issue and use of confidential information;
 - (b) The use of County Council premises;
 - (c) The use of staff time; and
 - (d) Visiting County Council establishments.

6. Guidelines to Staff

- 6.1 Staff should always act fairly and impartially towards all candidates. In their professional capacity, they must not take part in any publicity which could link them with any candidate or political party.
- 6.2 Political posters or similar election material should not be displayed in any County Council office or establishment, or on cars used by staff for official business or which are parked in Council car parks, or on County Council owned lampposts or highway verges.
- 6.3 Similarly, political/election material should not be displayed by any contractor working on behalf of the County Council. Staff should make this clear in any relevant contracts with the Council.
- 6.4 Council premises should not be used in any way to promote or signify any favour or support for an individual candidate or political party. General photographs of the exterior of Council premises from outside the site are permissible providing they are not used to exploit or indicate the views of the County Council or any of the pupils, residents or staff working in those premises. Photographs of staff, pupils or other council clients will only be permitted if appropriate prior consent has been obtained from the head of the establishment or the headteacher of the school.

7. Staff in Politically Restricted Posts

- 7.1 Those staff whose posts have been identified as “politically restricted” are subject to legal constraints and therefore should not:
- (a) Hold office in a political party, act as an election agent or canvass on behalf of a political party or a candidate for election; or
 - (b) Speak in public, give interviews or publish any written work with the intention of influencing public support for a political party.
- 7.2 These restrictions do not prevent any post holders or their families from

displaying an election poster in a window of their home if they so wish.

8. Use of Council Facilities

8.1 Any facilities provided by the Council (e.g. email and IT, secretarial services, stationery and transport) for members to carry out their duties as councillors are to be used for those duties only. They may continue to be used for those duties during the period prior to an election. However, they must not be used for electioneering or canvassing.

9. Use of Premises

9.1 Once an election is called, candidates are legally entitled to use publicly funded schools and other public meeting rooms for election meetings free of hire charge. However, they can be asked to meet the cost of caretaking etc. A fair and consistent approach must be taken.

9.2 Returning officers have the right to use any school or other public meeting room provided or maintained at public expense for election purposes. Heads of establishment are advised to discuss the returning officer's requirements with the returning officer to minimise any disruption to the normal working of the establishment. Wherever possible returning officers will do all they can to achieve this but, ultimately, if there is no alternative, returning officers have the legal right to use such publicly funded accommodation as they consider most appropriate.

9.3 Supplementary guidelines on these rights are attached.

10. Visits

10.1 As part of an election campaign, political parties may wish to visit a selection of residential and other establishments in their area. The premises selected may not be the same for each party. It is important to take a fair and consistent approach by seeing such visits on a countywide or area basis. It is important that any visit is not used to signify favour or support for any party or candidate. [See also paragraph 6.4.]

10.2 It is suggested that heads of establishments should allow one visit by each local candidate during the period up to the election, provided that it is pre-planned to ensure the minimum of disruption to the normal running of the establishment.

11. Publicity

11.1 Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums. It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during this period to avoid breaching any legal restrictions.

- 11.2 During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by, or under statute. It is permissible for local authorities to publish factual information which identifies the names, electoral divisions and parties of candidates at elections.
- 11.3 In general, local authorities should not issue any publicity which seeks to influence voters. However, this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support or oppose a question put at a referendum. It is acceptable to publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed, objective and does not support or oppose any of the options which are the subject of the vote.
- 11.4 In addition to attracting personal votes, election candidates will be seeking maximum publicity for their activities. Executive directors will wish to give guidance to their heads of establishment as to what is acceptable, bearing in mind that a local campaign in a Parliamentary election is likely to be high profile and the activities of press and camera crews can be very intrusive. Such advice might include:
- (a) Clear guidance about authorisation for taking photographs inside and outside County Council premises [see also paragraph 6.4];
 - (b) Limits on numbers attending at any one time;
 - (c) Restrictions on interviews with staff and residents; and
 - (d) Tours to be escorted by a responsible officer.
- 11.5 The Council's Communications Team can assist in all dealings with the media and will on request give advice on briefing journalists, arranging interviews and escorting press and camera crews on tours of buildings.
- 11.6 A supplementary media protocol is attached.
- [Contact the Communications Team for advice on media relations.]
- ## 12. Guest Speakers
- 12.1 Individual candidates should not be invited as speakers or guests at any school or other function which may be organised for or on behalf of the Council unless all other relevant candidates have been offered a similar opportunity.

12.2 Any public or private debate/talk organised through a school or other Council premises as part of the curriculum should only be held if all political parties fielding candidates in the relevant area are given the opportunity to take part. Such events should be structured on an all-party basis.

13. Members of Parliament

13.1 As duly elected representatives, County Members of Parliament have the right to seek information and assistance from the Council in handling their constituency work and in dealing with local government issues in Parliament. In exchange, the Council seeks their support in representing the County Council's views in Parliament and to government ministers.

13.2 However, Members of Parliament should not use their position to obtain privileges from the Council in campaigning for themselves, for other candidates or for their political party. Once a general election has been called, staff must ensure that any general information made available to any MP is also provided to all the Parliamentary candidates for that constituency. All Parliamentary candidates (including MPs) should be treated even-handedly and given an equal platform.

14. Government Ministers and Spokesperson

14.1 When representing their national political party, Members of Parliament holding government office or designated as shadow/opposition spokesperson may visit any county council establishment provided prior approval is given by the Chief Executive or the relevant executive director. Prior notification of any such visit must be given to the Council's political group leaders through the Chief Executive's office. This applies equally outside an election period.

[Contact for the County Council's returning officer for additional guidance or advice.]

Guidelines on the use of Rooms for Election Meetings

1. Returning officers and candidates have special rights under the Representation of the People Act 1983 to the use of public rooms for the purpose of conducting elections and holding election meetings.
2. During the period between the calling of an election and the day preceding the date of poll, a candidate is entitled to hold a public meeting in furtherance of their candidature, at any reasonable time, free of charge, in any suitable room in any public school premises or meeting room. The school premises referred to are County schools, voluntary and foundation schools situated in the constituency or an adjoining ward or constituency. The candidates may not, however, use premises in the adjoining wards or constituencies if there is a suitable room in the premises of a school within their own ward or constituency which is reasonably accessible.
3. A candidate can also use any room, hall, gallery or gymnasium which is let for public meetings and which is maintained wholly or mainly out of public funds. The cost of preparing, warming, lighting and cleaning the rooms, in preparation for the meeting and for restoring the room to its usual condition after the meeting can be charged to the candidate or the person taking the room on their behalf. Any “caretaking” charge must exclude a hiring fee. In addition, the candidate can be required to defray the cost of any damage done to the room or the premises during the period of occupation.
4. A candidate’s rights do not authorise any interference in the hours during which the room in a school is used for educational purposes or any interference with the use of a meeting room being used by the occupier or under prior agreement for a letting for any other purpose. A local authority cannot refuse to allow a particular candidate to use a room on the grounds of its disapproval of the candidate’s views.
5. No person other than the candidate, their election agent or person authorised in writing by that agent, can incur expenses in holding public meetings with a view to promoting the election candidate.
6. A public meeting is a meeting which is open to the general public and not restricted to ticket holders only.
7. Every local authority is required to have available lists of rooms in school premises and elsewhere which candidates are entitled to use. This list should be kept by the (district) electoral registration officer for inspection by a candidate or their election agent at all reasonable hours.
8. Candidates are not permitted to use school premises as committee rooms to promote or procure the election of a candidate. The use of school premises is limited to use for public meetings only.

Control at Public Meetings

9. The ultimate means of keeping order at meetings is through common law - to exclude any person or persons causing a disturbance from that meeting by using reasonable force to eject them, if necessary. A person causing a disturbance or inciting others to act in a disorderly manner could be liable to a fine under Section 169 of the Representation of the People Act 1983.
10. The police have power to control public assemblies and restrictions do exist on the right to assemble peaceably to hold meetings to protect the rest of the public from undue disturbance. A public assembly means a collection of twenty or more persons in a place to which the public have a right of access.
11. The local police should be advised at the earliest opportunity of any public meeting which is likely to attract a substantial number of people. Their advice should be taken on any organisational considerations which ought to be taken into account.

[Contact the county returning officer for additional guidance or advice.]

Media Protocol

1. Background

1.1 This protocol sets out how we manage our media relations during the period immediately before elections are held or a referendum takes place. It reflects the requirements of the Government's Code of Recommended Practice on Local Authority Publicity 2011. The underlying principle is that publicity by local authorities should be:

- (a) Lawful;
- (b) Cost effective;
- (c) Objective;
- (d) Even-handed;
- (e) Appropriate;
- (f) Have regard to equality and diversity; and
- (g) Be issued with care during periods of heightened sensitivity.

1.2 It is issued for the guidance of both members and officers. The protocol is to be applied starting on the 25th working day (i.e. excluding weekends and bank holidays) before the day of election and concludes at the end of the day of election, or 28 days before a referendum is held.

2. County Council Elections and By-Elections

2.1 During the period starting 25 working days before a County Council election, news releases and statements to the media will only be issued by the Council in the following circumstances:

- (a) Where the issue is supported by a clear Council policy and is not viewed as a controversial matter. Controversial matters in the context of this protocol are matters defined as such by the Chief Executive, in consultation with the Head of Communications and Community Engagement.
- (b) Where there is a need to issue urgent information or to publicly clarify or explain a specific point.

2.2 During the period starting 25 working days before a County Council election, the Council will not provide quotes from members to the news media or other organisations, nor arrange publicity events/photo calls that involve members.

- 2.3 During the period starting 25 working days before a County Council by-election, no news releases and statements will be issued to the media that actively promote an election candidate or refer to policy or controversial matters directly affecting the electoral division with the vacancy.
3. District Council Elections
- 3.1 During the period starting 25 working days before an election to any or all of the district councils in Cambridgeshire, no news releases and statements will be issued to the media that actively promote an election candidate.
4. General Elections
- 4.1 During the period starting 25 days before a general election, news releases and statements to the media will only be issued by the Council in the following circumstances:
- (a) Where the issue is supported by a clear Council policy and is not viewed as a controversial matter; and
 - (b) A need to issue urgent information or to publicly clarify or explain a specific point.
- 4.2 During the period of a general election, the Council will not provide quotes from members to the news media or other organisations, nor arrange publicity events/photo calls that involve members.
5. Referendums
- 5.1 Section 125 of the Political Parties, Elections and Referendums Act 2000 places a specific restriction on the publication by a local authority of material relating to a referendum under Part 7 of that Act during the period 28 days immediately before the referendum is held.
- 5.2 Regulation 5 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 prohibits local authorities from publishing material in the 28 days immediately before a referendum which expresses support for, or opposition to, a particular answer to a referendum question relating to the constitutional arrangements of the authority.
- 5.3 Regulation 15 of the Local Authorities (Referendums, Petitions and Directions) (England) Regulations 2000 (S.I. 2000/2852) prohibits local authorities from incurring expenditure to publish material which appears designed to influence people in deciding whether or not to sign a petition relating to the constitutional arrangements of the authority, or to assist others to publish such material.

[Enquiries should be addressed to the Head of Communications and Community Engagement.]

