



PRE-ELECTION PERIOD GUIDANCE

Information for councillors and staff



CONTENTS

ELECTIONS / REFERENDUMS	3
KEY POINTS	3
STATUTORY PROVISIONS ON COUNCIL PUBLICITY	4
EFFECT OF THE RESTRICTIONS	6
FURTHER RESTRICTIONS ON STAFF ACTIVITY	8
OTHER ISSUES	13
QUESTIONS AND ANSWERS	14

ELECTIONS / REFERENDUMS

These guidance notes apply to all elections run by Glasgow City Council: Local Government, Scottish Parliament and UK Parliament, as well as by-elections. The guidance can also be applied to referendums, although specific additional guidance will be issued if required.

This guidance also applies to the council's ALEOs. Care should be taken to make sure that projects, initiatives or organisations funded by the council do not create the potential for allegations that public money is being used in support of a party or candidate, as this is prohibited by statute.

KEY POINTS

While there are some specific areas that may require detailed advice, the essence of this guidance is that:

- council staff must by law act in a politically neutral way at all times when representing the council
- there is particular sensitivity around this political neutrality in the run-up to an election
- particular care needs to be taken to make sure that any events, publicity or other communications are politically neutral during a pre-election period
- council facilities and resources must not be used in any way in support of a political party or election candidate or for political purposes
- unless otherwise stated, it should be assumed that normal council business will continue
- unless otherwise covered by this guidance in relation to a particular query, staff will most likely respond positively to requests for information or advice from parties or candidates.



STATUTORY PROVISIONS ON COUNCIL PUBLICITY

The period before an election is sometimes referred to as ‘purdah’. This is a statutory period which restricts how the UK and Scottish Governments behave during an election campaign.

Purdah therefore does not apply to local government.

Restrictions on communication activity undertaken by local authorities are contained in the Local Government Act 1986, and the associated Code of Recommended Practice on Local Government Publicity and these apply at all times. The Code can be found here:-

<https://www.gov.scot/publications/local-authority-publicity-code-of-practice/>

The Code defines publicity as ‘any communication, in whatever form, addressed to the public at large or to a section of the public’. This is a very wide definition and includes:

- press releases
- verbal briefings to the press, with the exception of specific requests for information
- social media updates
- website updates
- letters from elected members to constituents
- committee agendas
- committee reports
- committee minutes
- the organising of events or launches
- correspondence
- webcasting meetings
- call handling scripts for customer service advisers.



This is not an exhaustive list.

The code also requires councils to not ‘publish any material which, in whole or in part, appears to be designed to affect public support for a political party’. It does not matter if the activity is in fact designed to influence the election, only that it might appear to be designed that way.

The 1986 Act makes it clear that the timing and circumstances of publicity are key factors in deciding if it is politically partial. Other factors which will be considered will include:-

- The content and style of the material
- The likely effect on those to whom it is directed
- Where the material promotes or opposes a view on a question of political controversy which is specifically identifiable as the view of one political party but not another
- References to political parties or persons identified with a political party
- When material is part of a campaign, the effect that the campaign is designed to achieve
- The extent to which any activity is ‘business as usual’ or where the timing might be beyond the reasonable control of the authority.

The key test is whether a particular act could be perceived as seeking to influence public opinion or to promote the public image of a particular candidate, group of candidates or political party.

Although these rules apply at all times, there is particular sensitivity around this in the run-up to any election/referendum. This is known as the pre-election period, which usually begins with publication of the Notice of Election. For the Local Government elections in 2022, this period will begin on Monday 14 March and will end on Thursday 5 May, inclusive.



EFFECT OF THE RESTRICTIONS

The council will continue to operate as close as possible to normal during this time. However, we will need to be particularly careful about what, when and how we communicate with the public.

The 1986 Act does not set out in detail what is and is not permissible.

This means that a judgement call will require to be made on each individual case. If you think a particular activity could appear to be designed to influence the outcome of the election then you should not do it. It does not matter if the activity is not in fact designed to influence the election, only that it appears to be designed that way.

While the Code does not explicitly rule out facilitating contact between elected members and the public, particular care should be taken when you are considering this. You should consider whether a particular communication needs to be in the name of an elected member and whether it needs to be communicated at this time.

In general, we cannot facilitate contact between elected members and the public on matters which are politically controversial.

In the case of council elections, this means we cannot quote councillors in media statements, social media, websites and other publications or involve them in any media events, photocalls or production of video content.

In the case of parliamentary elections, this restriction applies in relation to issues that are controversial or that relate directly to the election. Specific issues would be considered on a case by case basis.

However, there is nothing to prevent elected members speaking directly to the media as long as they do not use council facilities to do so.



OPENING CEREMONIES OR OTHER EVENTS

Best practice suggests that official openings or events, whether or not specifically designed to attract publicity, should not take place during the pre-election period before a local government election.

However, on the agreement of the Chief Executive or the relevant senior council officer, such events can be considered business as usual, if they can be justified on the grounds of exceptional, unavoidable and/or unforeseen circumstances.

During other elections, it may be permissible for some events to take place. However, it would be better to avoid these and if they are to go ahead to take great care to maintain political neutrality. Candidates for election should ideally not have a formal role.

If a candidate is invited to attend a community group normally attended by **council officers**, the council will not impede the visit in any way but will not facilitate or support the visit, either as officers or through making council resources available.

It is appreciated that some community groups (eg tenants and residents associations) which council officers normally attend or service, may invite candidates to speak at their meetings. It is important that officer attendance at these meetings does not imply a preference for a particular candidate or party. Officers should not therefore share the same platform with any candidate in order to avoid any inference that the officer is endorsing the candidate. Where possible, the officer should request that all council related matters are dealt with first and then leave before any political discussion or debate takes place.

MEDIA REQUESTS

In general, media requests for filming or photo opportunities around elections should be treated as they would be normally. The only issue that would arise is if there is any question of the media outlet taking a particular stance that may be, or may be perceived to be, in favour of one party or candidate.

In those circumstances no assistance or support should be given to the media outlet. The possibility of council staff or facilities featuring prominently in such opportunities should also be taken into account when considering such requests and avoided.

Requests to organise or cover hustings events would normally be permissible on the basis that they are open to all relevant candidates. In the case of broadcasters, there are strict rules that apply to maintain political neutrality and the council should assume that the broadcaster concerned will meet its own obligations in this regard.



FURTHER RESTRICTIONS ON STAFF ACTIVITY

Some council staff, particularly in the Chief Executive's Department, but also in other parts of the council family, provide support directly to elected members. That support is provided to facilitate the work they do as elected members and must not be used for any party political purposes. If you believe that an elected member has made a political request of you then you should discuss it with your line manager in the first instance who may wish to seek advice from the Director of Legal and Administration.

Some members of staff are politically restricted and this stops them from being candidates or campaigning for a candidate. Further information on the conditions of service affecting politically restricted posts can be found here:

<http://connect.glasgow.gov.uk/CHttpHandler.ashx?id=24783&p=0>

While staff who are not politically restricted are free to take part in political activity, staff should not display any party political material on council premises. In addition, even if staff who are not politically restricted intend to work for the Returning Officer at the election then they should not take part in any party political activity.

None of these restrictions are designed to restrict staff from discussing the election or expressing a view to colleagues. However, staff should be courteous and respectful at all times and not engage in any activity which might be considered to be bullying or harassment of colleagues.

REQUESTS TO USE COUNCIL FACILITIES

During the election campaign the campaigns may wish to use council premises or premises owned or managed by the council's Arm's-Length External Organisations (ALEO's), for media opportunities, such as photo calls and filming Election Broadcasts.

The council is under no obligation to meet these requests; however, there will be a presumption that reasonable requests will be considered favourably.

Reasonable requests must not incur significant cost for the council or disrupt the work of the council. Where a cost is incurred, the campaign will be expected to meet that cost. In addition, where a commercial organisation



would be charged a fee or rental, the campaigns must be charged the same amount.

If a request to use council premises is permitted, the campaigns would be expected not to use their access to council facilities to attack the work or policies of the council.

In addition, the campaigns must not use our facilities in a way which contravenes the council's duties under the Equalities Act 2010, which can be viewed at:

<https://www.gov.uk/guidance/equality-act-2010-guidance>

The following requests will normally be granted:

- An individual, resident in a council residential home or hostel has, as an elector, a right to invite a representative of a campaign and the media into their own room.
- Community organisations, for example a community council, may wish to invite representatives of the campaign to take part in, for example, a meeting, hustings or visit, on a council property which they have rented from us. They must invite all candidates and it can only go ahead if this offer has been made.

All such requests should be made as far in advance as possible to the council's PR Office on 0141 287 4003. Any dispute arising under these guidelines shall be referred to the Chief Executive whose decision shall be final.

USE OF COUNCIL RESOURCES

The 1986 Act's definition of 'publicity' prevents councils from allowing their premises and other resources to be used in manner which could be perceived to give support to a particular political party.

This includes computer equipment, telephones, stationery, secretarial support and mailing facilities. This is not an exhaustive list and elected members should check if they are not sure what is appropriate.

However, there are some exceptions:-

- The council may allow political parties to use its premises as offices, where such facilities are provided on a first-come, first-served basis on normal commercial terms.
- Parties or candidates may use a school room or other listed meeting rooms for a public meeting, in a school within the candidate's constituency. The let will be free of charge, but the council is entitled to be reimbursed for heating, lighting and other utilities, as well as for any damage caused to the room by the let.
- Candidates or their agents are required to give reasonable notice in booking a room and any booking should not interfere with existing arrangements such as prior bookings or school opening hours.
- Communications by elected members to their constituents come within the definition of publicity detailed earlier in this document, except where they are in response to particular issues initiated by constituents themselves. Use of council facilities for unsolicited mailings during this period should be made with **extreme caution**.

VISITS TO COUNCIL PREMISES BY CANDIDATES (including on-line or virtual visits)

As the election approaches, candidates may wish to visit council premises to meet residents, for example, in residential homes, or to be seen within the area, or to become more familiar with council facilities. The following procedure will apply in relation to these visits:

- The visit to any council facility must be arranged in advance with the appropriate senior council officer and, through them, with the manager of the facility or establishment.
- Visits must be of short duration, for example 1 to 2 hours long.
- Visits must not interfere with the efficient and proper running of the service or the facility, taking in to account the best interests of the residents/users at the facility.
- If, during a visit, it becomes apparent to the manager of a facility that the

visit is interfering with the running of the service, then the manager has the right to immediately terminate the visit.

- It is important to take a fair and consistent approach by considering such visits on a council-wide basis. It is important that any visit is not used to signify favour for any party or candidate. Candidates from other parties within that ward or constituency should have the same or similar opportunities, at their request.

Consent will generally not be given for the visit if: -

- It appears that the visit is to be used for political publicity or for campaigning purposes.
- The visit will not comply with Covid or other public health restrictions in place at the time, the premises cannot comply with required safeguards or there would be a health risk to those involved.
- There is a significant risk that the visit might be used to promote some sort of association or link between the candidate or their views and the event, council officers or council premises.

Consent will generally be given for the visit if:-

- The purpose of the visit is to learn about council services or to meet council officers or members.
- There is no risk of the visit being used for publicity or campaigning purposes.
- The visit can be done by virtual or on-line means and complies with any Covid or other public health restrictions.

Should the media become involved in such a visit, the procedure immediately below must be followed.

PARTY POLITICAL BROADCASTS

Council premises should not be used for the filming of party political broadcasts.

CANDIDATES' POSTERS AND OTHER ADVERTISING

Political posters are not permitted on streetlights or any street furniture, as per the council's decision of 17 April 2009. Any posters notified to the council will be removed.

Except as provided for surgery notices, party political or campaigning material should not be placed on notice boards or displayed in any council buildings, including in windows or in council car parks.

REMOTELY HELD PUBLIC MEETINGS

As a result of the Covid-19 pandemic the majority of council meetings are being held remotely, often using video conference technology such as Microsoft Teams. Video conference technology often allows participants to select a virtual background.

If you are organising or facilitating such a meeting you should be clear with participants that they should not have a backdrop which is party political in nature or related to a political campaign. If participants refuse to abide by this then you should either remove them from the meeting or bring the meeting to a close.

SURGERY NOTICES

Sitting MPs and MSPs may continue to display surgery notices in council premises during the pre-election period provided the usual notice is being displayed.

Depending on the election in question, (for example a UK Parliament election), once the start of the pre-election period has been declared for that election, the relevant parliament will be dissolved. Thereafter, for example, MPs are no longer in office and are therefore not entitled to advertise surgeries.

Sitting elected members will still be permitted to advertise their surgeries in council premises during the pre-election period, provided that the usual notices are displayed. This is because sitting elected members remain in office until the day of a local election.

BY-ELECTIONS

Particular care should be taken to avoid any publicity that might appear to be party political or deals with controversial issues in the ward or constituency affected by a by-election during the period after the notice of election has been issued.

Depending on the circumstances and the practicalities of doing so, it may also be appropriate to stop normal council publicity during this period.

OTHER ISSUES

STAFF CANDIDATURE

If a council or ALEO employee in a politically restricted post wishes to stand for election (whether to the council, Scottish Parliament or UK Parliament) they must resign their post.

A council or ALEO employee not in a politically restricted post may stand for election to the council without resigning their post, but must resign within one day of the declaration of the result should they be elected, otherwise they cease to be an elected member and will cause a by-election.

STAFF - OTHER POLITICAL ACTIVITY

Staff in politically restricted posts should not undertake any political activity at any time.

Staff in posts that are not politically restricted may carry out political activity in their own time. However, if they are otherwise personally involved in support for a particular party or candidate, by law they must not be involved with polling or counting.

WORKING RELATIONSHIPS BETWEEN STAFF AND ELECTED MEMBERS

Some employees may have a close working relationship with elected members. It is important that this close working relationship is not compromised in any way. If an employee is asked by an elected member to provide assistance with a matter which is clearly party political or which does not have a clear link with the work of the council, they should politely refuse and inform the elected member that they are referring the matter to their line manager for guidance. This rule also applies if an elected member seeks assistance on behalf of a candidate in the elections. This applies at any time, not just during the pre-election period.

FREEDOM OF INFORMATION REQUESTS

There are no implications for FOI or other information requests covered by legislation. These should be handled as normal.

QUESTIONS AND ANSWERS

The following are examples of issues which have arisen previously. It must be remembered that the final advice will depend on the particular circumstances and these FAQs are only given to provide an indication of the type of issues you should consider. They are not a substitute for specific, detailed advice.

- 1. A council department proposes to hold a public meeting in the pre-election period to discuss a matter of particular concern to the community. It is likely to attract interest from local politicians. Should the meeting be postponed?**

Probably not, particularly if the meeting concerns an urgent matter. Ideally the day-to-day work of the council should continue during a pre-election period.

- 2. A controversial item is on the agenda for a meeting of the council or a committee which will be held during the pre-election period. Should consideration of the item be postponed until after the election?**

As a general rule, the work of the council should continue and the item should be considered. However, the Chief Executive may consider there is too great a risk in considering the item prior to the election and consideration of the item may be postponed as a result. The general rule should be in favour of business as usual.

- 3. A school has been approached by a candidate in the forthcoming election who wishes to meet pupils and have a general discussion with them about topics of concern to them. Is it okay to allow the visit?**

Maybe. You have to show even-handedness towards all political parties. It would therefore be acceptable to invite all candidates to meet the pupils, for example, by holding a mock hustings meeting, but it would not be appropriate to allow only one candidate to meet the pupils. As long as all candidates have been given the opportunity to be represented, then the event can proceed.

4. Officers have been asked to attend an event to give advice on council services. Is this okay?

Whether or not it would be appropriate for officers to attend would depend on the nature of the event, who was running it and when it was being held. If the event is associated with a particular political party and is being held during (or immediately before the beginning of) the pre-election period then officers should not attend. If it is being held outwith this period, then a decision would have to be made on whether or not the event was designed to affect support for one political party. If so, then again officers should not attend.

5. Is it okay for an election candidate to take photographs outside a council office or facility?

The taking of photographs by candidates, party officials and other staff of any part of any council building, should be discouraged, and not facilitated by council staff. In addition, strict guidelines are in place in relation to photography at schools and advice should be sought from the PR office.

6. What do I do if a candidate/political party refuses to accept my decision?

Contact the appropriate senior council officer, who can discuss the issues raised with the returning officer as appropriate and let you and the candidate/party know the outcome of these discussions.

7. A candidate turns up to a school on an arranged visit as part of his election campaign but there are media following them. Should they be allowed in?

No, unless the candidate is attending a hustings event as per question three above. This is allowing a council facility to be used for a party political activity involving the media without arrangement and without the agreement of a senior council officer.

8. A public consultation meeting is scheduled during the pre-election period as part of the formal planning process for a new school. Can it go ahead?

Yes. This is both normal business and there are significant costs attached to any delay.

9. A party wants to use a council-managed public space for their campaign launch. Should it be allowed?

There is a convention that certain public spaces are used for campaign activity. It is generally acceptable for these to take place so long as the events are limited, for example around one hour and that there is equal opportunity for all parties or candidates to use them. The council resource/effort in facilitating these should also be minimal, for example enabling access to a space.

10. The council was intending to facilitate a debate on an important issue to our area. Should it be cancelled?

The debate must be open to participation by all parties and candidates, and it may be advisable to limit the media participation (for example reactive rather than proactive). With those caveats, it could go ahead, but thought would still need to be given to whether or not the issue at hand was likely to be particularly divisive along party lines.

11. A partner organisation has asked to use a council venue for the launch of an initiative. A government minister will be attending and significant media presence is expected. Can we facilitate this?

No. There may be publicly accessible spaces that can be used instead, but ideally a council venue should not be used to facilitate media coverage for a sitting minister during the pre-election period. A material consideration here is that other parties don't have the same opportunity to carry out such activity (which will almost certainly be seen as campaigning).

12. An elected member wants to give their view on a matter debated at committee to the media. Is this allowed?

Any elected member at any time is at liberty to do this. The tests are whether they are using council resources to do so and, if using council resources, whether the view is (or could be perceived to be) political in nature.

13. A charity which receives funding from the council has taken an advert in a political party's newsletter. Is this allowed?

There are two relevant issues here: what is the council's funding for (for example a general grant or for a specific purpose such as communications) and what is the advert for (for example notice of an event or self-promotion)? Generally, this is a low-risk activity so long as there is nothing overtly political about the organisation's activity or its advert, and will be dependent on the organisation's grant conditions.

14. There is an event scheduled for the launch of a new service. Can elected members be invited? And what about other politicians?

Such events are generally inadvisable before a local government election and should be avoided before other elections. Whether or not relevant politicians can be invited to a particular event must be considered on a case-by-case basis. Any such plans should be discussed with the PR Office at the earliest opportunity.

15. We want to highlight a new initiative. Can the relevant elected member be involved?

In the case of council elections, this would be inadvisable. In the case of parliamentary elections or referendums, this would be considered on a case-by-case basis. The PR Office should be consulted at the earliest opportunity.