

Management of Council business and publicity during the pre-election period

Briefing Note No. 25 - 02

Service: Legal and Governance

Further Enquiries to: Perry Holmes (Director Legal and Governance (Monitoring Officer))

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This note provides general guidance for Members and Officers on the management of council business and publicity in the run-up to the local elections on 1 May 2025.

It supplements the Council's Code of Conduct for Councillors and the Media Relations Protocol, included at Part 12 and Protocol 7 of the Constitution respectively.

The pre-election period begins when the Notice of Election is published (which will be 11 March 2025) and runs until 2 May 2025.

1. The Council's approach during the pre-election period is consistent with Government guidance, and particular care will be taken during the period of heightened sensitivity (the pre-election period) leading up to Council Elections on 1 May 2025, with the election count taking place on 2 May 2025.
2. Generally, with regard to decision making within the Council the position remains that it is 'business as usual' unless there are very good reasons why this should not be the case. In most cases the pre-election period will have no impact on normal council business, including the determination of planning applications.
3. Proposals or issues which may be controversial and likely to arise during the critical period should be identified and a common sense view taken in each case as to how the matter is to be handled. In cases where time is not critical it will be sensible to defer the matter until after the election. In other cases, this will not be possible because of statutory, contractual or other constraints.
4. Councillors will not be quoted in press releases during the pre-election period. This limitation may not apply to the Leader as there could be the need for a Council leadership comment in some exceptional circumstances such as a major incident. Cabinet Members and others will continue to carry out their role during the pre-election period as usual.

5. We will continue to display Member's profile pages on our website during the pre-election period, as information about their current role.
6. Councillors, who are also candidates in the election, cannot use their Council email addresses on party political campaign literature during the pre-election period. They should use personal email addresses during that period. This is to differentiate between election material and constituency or council correspondence.
7. Councillors, who are also candidates in the election, cannot use including photographs of officers in their election campaign material, to avoid compromising officers political neutrality.
8. Councillors, who are also candidates in the election, cannot use photographs or images produced by the Council in their election campaign material, to avoid mis-using council property for political reasons.
9. Councillors should note that the display of election campaign material on council land and property, including highway land, is not permitted and action will be taken to remove any offending material.
10. The LGA has produced a short-guide on publicity in the pre-election period, available at: <https://www.local.gov.uk/publications/short-guide-publicity-during-pre-election-period>
11. The principal point to remember is set out in section 2 of the Local Government Act 1986, which expressly **prohibits local authority publicity of a party political nature**. The Council must not publish (or assist others to publish) material which, in whole or in part, appears to be designed to affect public support for a political party. Publicity is defined in section 6(4) of the 1986 Act as 'any communication, in whatever form, addressed to the public at large or a section of the public.'
12. This is reinforced by the Council's Code of Conduct for Members which states:

7. Use of local authority resources and facilities

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

7.2.1 act in accordance with the local authority's requirements; and

7.2.2 ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the

office to which I have been elected or appointed.

13. The Code of Recommended Practice on Local Authority Publicity 2011 (included as Appendix 1 to the Council's Media Relations Protocol) sets out seven key principles local authorities should apply when making decisions on publicity. Publicity by local authorities should be:

- Lawful
- Cost effective
- Objective
- Even-handed
- Appropriate
- Consistent with the council's equality and diversity responsibilities

- Issued with care during periods of heightened sensitivity

14. Paragraphs 33 - 35 of the 2011 Code state:

33. Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections. 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.

34. 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, wards and parties of candidates at elections.

35. In general local authorities should not issue any publicity which seeks to influence voters.

15. Further advice may be obtained from:

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And on the handling of publicity:

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