

WAVERLEY BOROUGH COUNCIL

EXECUTIVE

5 APRIL 2022

Title:

Pre-election Period Publicity Policy

Portfolio Holder: Cllr Paul Follows, Leader of the Council and Portfolio Holder for Policy and Governance

Head of Service: Robin Taylor, Head of Policy and Governance

Key decision: No

Access: Public

1. Purpose and summary

1.1 This report recommends the adoption of a Pre-Election Period Publicity Policy.

2. Recommendation

It is recommended that the Executive:

Recommends to Full Council that it approves the Pre-Election Period Publicity Policy, as set out in Annexe 1 to this report, with immediate effect.

3. Reason for the recommendation

3.1 To protect the interests of the Council, and to provide guidance to Councillors and Officers on publicity and the use of Council resources during the Pre-Election Period.

4. Background

4.1 The Pre-Election Period is the period prior to an election. There are statutory restrictions that apply to Council publicity during the Pre-Election Period.

4.2 The Pre-Election Period Publicity Policy seeks to ensure that the Council acts lawfully in relation to the use of Council resources in the lead up to an election, to provide guidance to Councillors and Officers and to limit Council and Committee meetings and other decision making which takes place during the Pre-Election Period to those which are strictly necessary and business as usual. The Pre-Election Period is the period of approximately 6 weeks prior to an election. There are statutory restrictions that apply to Council publicity during the Pre-Election Period.

- 4.3 The Council must comply at all times with restrictions outlined in Section 2 of the Local Government Act 1986 which says the Councils should “not publish any material which, in whole, or in part, appears to be designed to affect public support for a political party”. Publicity is defined as “any communication, in whatever form, addressed to the public at large or to a section of the public.”
- 4.4 In addition, a Code of Recommended Practice on Local Authority Publicity published in 2011 makes it clear that particular care should be taken in periods of heightened sensitivity, such as in the run up to an election. The Code of Practice recommends that councils should generally not issue any publicity which seeks to influence voters and that publicity relating to candidates and politicians involved directly in the election should not be published unless expressly authorised by statute.
- 4.5 The Pre-Election Period Publicity Policy (‘the Policy’) seeks to ensure that the Council acts lawfully in relation to the use of Council resources in the lead up to an election, to provide guidance to Councillors and Officers and to limit Council and Committee meetings and other decision making which takes place during the Pre-Election Period to those which are strictly necessary and business as usual.
- 4.6 The Policy defines what is covered by ‘publicity’ and sets out in detail what is and is not an acceptable use of Council resources during the Pre-Election Period. Quotes included in press releases and statements issued in response to media enquiries should generally be attributed to Officers during the Pre-Election Period or the Mayor when an elected Councillor response is required. Particular care should be taken by Officers in relation to the Council’s social media accounts during the Pre-Election Period.
- 4.7 A key aspect of the Policy is limiting Council and Committee meetings during the Pre-Election Period. Specifically:
- Regular Full Council, Executive, and Committee meetings (excluding Planning Committee, Licensing Sub-Committee and Licensing Regulatory Sub-Committee) will not be scheduled during the Pre-election Period;
 - Where an unscheduled election is called, meetings scheduled to take place in the Pre-election Period (other than meetings of the Planning Committee, Licensing Sub-Committee and Licensing Regulatory Sub-Committee) may be cancelled if it is considered by the Joint Chief Executive prudent to do so; and
 - Extraordinary Full Council and/or Special Committee meetings will be arranged if, in the opinion of the Joint Chief Executive and Monitoring Officer, it is considered to be in the Council’s interests to hold them for urgent items of business.
- 4.8 Other important aspects of the Policy to highlight are specific guidance for Councillors and Officers in carrying out their roles including delegated decision making. The Policy also specifically limits initiating public consultation processes during the Pre-Election Period. By-Elections are also covered in the Policy.
- 4.9 The Policy clarifies the position of the Mayor and provides guidance around the publicity from and about the Mayor.

4.10 The Policy makes it clear that decision making in relation to which Council and Committee meetings should proceed and the deferral of items, events and decisions are to be made by the Joint Chief Executive, in consultation with the Monitoring Officer, this makes the decisions non-political and gives clear accountability which is lacking currently.

5. Relationship to the Corporate Strategy and Service Plan

5.1 The recommended policy supports the Council's strategic plan commitment to *open, democratic and participative governance*.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

To be completed in liaison with Finance/HR. These are the substantive resource comments.

6.2 Risk management

6.3 Legal

The legal position in relation to the legislation and related Code is set out within the body of this report. The purpose of policy in any context is to support consistency of decision-making in any area, and in relation to pre-election publicity the policy will support consistency as well as transparency and structure of decision-making in relation to such matters.

6.4 Equality, diversity and inclusion

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

6.5 Climate emergency declaration

The recommended policy would be expected to have a neutral impact on the Council's climate reduction objectives.

7. Consultation and engagement

7.1 n/a

8. Other options considered

8.1 There are 3 options:

- The Council can adopt the Policy as drafted.
- The Council can decide not to adopt the Policy and continue with the status quo.

- The Council can ask for amendments to be made to the Policy and a further version to be drafted.

9. Governance journey

- 9.1 Executive Committee, 5 April 2022
Full Council, 25 April 2022

Annexes:

Annexe 1 – Pre-Election Period Publicity Policy

Background Papers

There are / are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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Agreed and signed off by:

Legal Services: 8 March 2022

Head of Finance: date

Strategic Director: date

Portfolio Holder: date