

# Waverley Borough Councils

**Report to:** Standards and General Purposes Committee

**Date:** 8 January 2024

**Ward(s) affected:** All

**Report of Director:** Transformation and Governance

**Senior Officer:** Susan Sale, Joint Executive Head of Legal & Democratic Services

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**Report Status:** Open

## Waverley Borough Council Pre-Election Publicity & Decision Making Policy

### 1. Executive Summary

- 1.1 A report was taken to GBC full Council on 5 April 2022 and to WBC full Council on the 26 April 2022, recommending the adoption of the current Pre-Election Publicity Policy which is attached as **Appendix 1** of this report. The policy is identical for both councils.
- 1.2 The main purpose of the existing policy is 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.

- 1.3 A key aspect of the existing Policy is to limit the 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.
- 1.4 However, after further careful review and consideration, it is proposed that the Pre-Election Publicity & Decision Making Policy be amended to provide more flexibility for the Proper Officers of the Council to assess and decide which council meetings can be held during the pre-election period on a case-by-case basis. Such an approach provides the Proper Officers with the flexibility to take into account whether the forthcoming election is in respect of Borough elections, or another election, and the level of politically sensitivity around each election which could impact on Council business.
- 1.5 This report recommends the adoption of a revised Pre-Election Period Publicity & Decision Making Policy, attached as **Appendix 2** of this report with tracked changes, and a clean version of the Policy attached as **Appendix 3** of this report. The amended policy focuses on the Pre-Election published guidance by the DCLG and LGA which emphasizes that councils should continue to discharge normal council business i.e., 'Business as usual'.

- 1.6 A report on the attached revised Pre-Election Period Publicity & Decision Making Policy was taken to the Guildford and Waverley Joint Constitutions Review Group on 18 December 2024. Members of the Group discussed the proposal and welcomed the amendments to the policy, noting that it was a sensible approach and provided the council with flexibility for Responsible Officers, in consultation with Group Leaders to decide if it was appropriate for a council meeting to take place, rather than a blanket approach.
- 1.7 This report asks the Standards and General Purposes Committee to consider the amendments to the Pre-Election Publicity & Decision-Making Policy and to recommend the amendments to full Council for adoption.
- 1.8 A similar report will be taken to the Guildford Borough Council Corporate Governance & Standards Committee on 18 January 2024, where it will be proposed that the attached amended Pre-Election Publicity & Decision-Making Policy be recommended to the Guildford Borough full Council for adoption.

## **2. Recommendations**

That the Standards and General Purposes Committee resolves to:

- 2.1 Approve the proposed amendments to the Pre-Election Publicity & Decision Making Policy;
- 2.2 Recommend the amended Pre-Election Publicity & Decision Making Policy to full Council for adoption with immediate effect.

## **3. Reason(s) for 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.

3.2 To provide further flexibility for the Council's Proper Officers to assess and decide which council meetings can be held during the pre-election period.

#### **4. Exemption from publication**

4.1 No part of this report is exempt from publication.

#### **5. Purpose of Report**

5.1 This report asks the Standards and General Purposes Committee:

- (a) To note the report and provide comments and feedback on the proposed amendments (**Appendix 2 and 3**) as outlined in the recommendations in section 2 of this report.

#### **6. Strategic Priorities**

6.1 The recommended revised policy continues to support the Council's strategic plan commitment to open, democratic and participative governance.

#### **7. Background**

7.1 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.

7.2 The Pre-Election Publicity & Decision Making 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/or 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.

- 7.3 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.”
- 7.4 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.
- 7.5 The Pre-Election Publicity & Decision Making 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.
- 7.6 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.

## **8. Equality and Diversity Implications**

- 8.1 The Standards and General Purposes Committee will be responsible for having due regard to the requirements of the Public Sector Equality

Duty (Equality Act 2010) when making any recommendations concerning governance arrangements.

## **9. Financial Implications**

9.1 There are no financial implications arising from this report.

## **10. Legal Implications**

10.1 The legal position in relation to the legislation and related Code is set out within paragraphs 7.3 and 7.4 for 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 continue to support consistency as well as transparency and structure of decision-making in relation to such matters.

## **11. Human Resource Implications**

11.1 There are no direct human resource implications arising from this report.

## **12. Background Papers**

12.1 5 April 2022: Report to WBC Council on the Pre-Election Publicity Policy

## **13. Appendices**

Appendix 1: Current Pre-Election Publicity & Decision Making Policy (as of April 2022)

Appendix 2: Proposed amended Pre-Election Publicity & Decision Making Policy (with tracked changes December 2023)

Appendix 3: Proposed amended Pre-Election Publicity & Decision  
Making Policy (without tracked changes December 2023)