

PRE-ELECTION PERIOD AND GUIDANCE IN RESPECT OF 2009 EUROPEAN ELECTIONS

Report By: Assistant Chief Executive - Legal & Democratic

Wards Affected

County-wide

Purpose

1. To inform the Committee of the statutory requirements relating to Council publicity in the period between the notice of election being issued and the date of the election being the "Pre-Election Period". To request the Committee to consider and give their views on the proposals within the report.

Introduction

2. (1) Attached is the proposed guidance to be issued on pre-election publicity to members either in the attached form or by way of letter and to members of Joint Management Team and Heads of Service subject to the agreement of the Chief Executive. Please note that the Pre-Election Period commences on the date of the notice of election, usually 28 days before the date of the election, which is 4th June 2009.

(2) Local Authorities have specific legal powers to issue publicity and to fund other organisations to produce publicity. However Section 2 of the Local Government Act 1986 states that "a local authority shall not publish any material which in whole or in part, appears to be designed to affect public support for a political party" and is to be taken into account when deciding this including the timing, content, style and other circumstances of publication and the likely effect on those to whom it is directed.

(3) In addition the Secretary of State also issued a "Code of Recommended Practice" in 1988 which was amended in 2001. This provides statutory guidance on local authority publicity. The particular significance for this report is paragraph 4.1 which states: "the period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the elections. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that it identifies them with individual members or groups of members. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or

where there is a genuine need for a member level response to an important event outside the authority's control. Proactive events arranged in this period should not involve members likely to be standing for election". The attached guidance is prepared to assist both members and officers to remind them of their respective responsibilities during the Pre-Election Period.

RECOMMENDATION

THAT the Committee provides any initial views they may have on the Report with regard to pre-election publicity and guidance for members.

BACKGROUND PAPERS

- Appendix 1 -= Guidance for Members and Officers on the Pre-Election Period.