

Guidelines and restrictions on decision making and publicity during the pre-election period

The local elections are due to take place on 4 May 2023. This is a reminder about the guidelines and restrictions on publicity during the pre-election period that starts on **27 March 2023**. These restrictions apply to all elections happening during this period.

From the start of the pre-election period, the council must comply with restrictions outlined in Section 2 of the Local Government Act 1986. In addition, a Code of Recommended Practice on Local Authority Publicity published in 2011 makes clear that particular care should be taken in periods of heightened sensitivity, such as in the run up to an election. The Act defines publicity as **"any communication, in whatever form, addressed to the public at large or to a section of the public."**

Generally, the Act says that we should **"not publish any material which, in whole, or in part, appears to be designed to affect public support for a political party."** The Code of Practice recommends that authorities should generally not issue any publicity which seeks to influence voters and that publicity relating to individuals involved directly in the election should not be published unless expressly authorised by statute.

Decision making

In relation 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 the vast majority of cases, the pre-election period will have no impact on normal council business, including the approval of planning decisions.

What this means

- The primary restriction is on proactive publicity by the council which particularly relates to candidates and other politicians involved directly in the election.
- The council can still issue media releases on factual matters provided that these do not identify individual councillors or groups of councillors.
- Councillors are still free to respond to enquiries received from the media in a personal capacity.
- Individual councillors can issue their own statements, write letters to the local newspaper(s) for publication, contact the media directly or say what they like in a personal capacity, but must not use council resources to do so.

It is still possible for the council to issue statements on behalf of a councillor holding a key political or civic position provided it relates to important events which are outside the council's control and can be shown to justify a member response. These occasions are likely to be rare and to be the exception, rather than the rule.

I hope this provides you with the general information you need for the pre-election period, but if you have specific concerns or queries, please feel free to contact me.