

Pre-Election Publicity Guidance

Report by Dr Grace Vickers, Chief Executive

Report for Information

1 Recommendations

The Council is asked to note the terms of the Council's Pre-Election Publicity Guidance in advance of the forthcoming UK Parliamentary General Election.

2 Purpose of Report/Executive Summary

The purpose of this report is to update Members of the terms of the Council's Pre-Election Publicity Guidance which has previously been approved to ensure that Council facilities are not used to support any particular political party in any election, by-election or referendum.

Date 13 March 2024

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3 Background/Main Body of Report

- 3.1** Local authorities are prohibited by section 2 of the Local Government Act 1986 from publishing any material which appears to be designed to affect public support for a political party. Publicity is defined very widely. It includes 'any communication, in whatever form, addressed to the public at large or to a section of the public.'

The Council also has duties under common law to taxpayers which prohibit the use of public funds and the activities of Council officers where the Council is not fulfilling its statutory functions. With some limited exceptions specified in the Guidance, any support given to political parties or election candidates is very likely to breach this obligation.

For the avoidance of doubt, it should be noted that these duties apply at all times but the implementation is particularly sensitive during the pre-election period.

- 3.2** The date of the next UK Parliamentary General Election has not yet been announced but in terms of the Dissolution and Calling of Parliament Act 2022, Parliament must be dissolved no later than 17 December 2024 and the general election held 25 working days after that date (i.e. 28 January 2025).
- 3.3** The Council has some discretion when the pre-election period starts but it cannot be later than the publication of the Notice of Election. The Civil Service use the date of dissolution of Parliament as the start of the pre-election period. Given the sensitivity of actions prior to an election, it is intended that the Council will follow that practice and enter the pre-election period on the date of dissolution. The pre-election period will then run to close of poll.
- 3.4** The Guidance is as attached as Appendix B to this report and members are referred to that Appendix for its terms.
- 3.5** The Guidance should not prevent Councillors from carrying out their Council duties during that time nor in using Council facilities to do so; rather it is the use of Council facilities to affect support for any party or candidate that is to be prevented.
- 3.6** Members will be aware that the Election Act 2022 introduces the requirement that voters show photo ID at Polling Stations. It is proposed to run a communications campaign in the run up to the Election to advise the voters of the accepted forms of photo ID and also of the right to apply to the Electoral Registration Officer at the Valuation Board for a Voter Authority Certificate if other forms of ID are not available. The list of accepted forms of Photo ID is attached as Appendix C to this report.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

There are no resource implications arising from this report.

4.2 Digital

There are no digital implications arising from this report.

4.3 Risk

There is risk in relation to the Council's reputation if the Guidance is not fully adhered to during the pre-election period.

4.4 Ensuring Equalities (if required a separate IIA must be completed)

This report does not recommend any change to policy or practice and therefore does not require an Equalities Impact Assessment.

4.5 Additional Report Implications

See Appendix A

Appendices

Appendix A – Additional Report Implications

Appendix B – Pre-Election Period Guidance

Appendix C – Accepted forms of Photo ID

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Not applicable

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☐ Sustainable
- ☐ Transformational
- ☐ Preventative
- ☐ Asset-based
- ☐ Continuous Improvement
- ☐ One size fits one
- ☒ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☐ One Council Working with you, for you
- ☐ Preventative and Sustainable
- ☐ Efficient and Modern
- ☐ Innovative and Ambitious
- ☒ None of the above

A.4 Delivering Best Value

The report does not directly impact on Delivering Best Value

A.5 Involving Communities and Other Stakeholders

The report does not directly relate to involving communities

A.6 Impact on Performance and Outcomes

The report does not directly impact on Midlothian Council's performance and outcomes

A.7 Adopting a Preventative Approach

Not applicable

A.8 Supporting Sustainable Development

Not applicable

APPENDIX B

Appendix B - Pre-Election Period Guidance

Appendix C – Accepted forms of Photo ID