

Pre-Election Publicity Guidance

Report by Kenneth Lawrie, Chief Executive

1 Purpose of Report

This report invites the Council to approve guidance on publicity in the approach to both the Scottish Parliamentary Election on 5 May 2016 and the forthcoming European Union Referendum..

2 Background

- 2.1** On 24 March 2015, the Council approved updated Pre-Election Period Guidance. This guidance was designed to cover all elections, including Referendums.
- 2.2** This guidance has been further updated to incorporate lessons learned from the General election and the Midlothian West by-election both held last year. The amended guidance is attached hereto (**Appendix 1**)
- 2.3** The notice of election for the Scottish parliament will be published on 14 March and it is suggested that the Council enters the pre-election period for this election on that date.
- 2.4** The Government has not yet announced the date of the European Union Referendum. In terms of the European Union Referendum Act 2015, the Government must give a minimum of 10 weeks notice of the referendum. Accordingly, it is proposed that the Council enters a long pre-referendum period from that announcement on the basis that there will be a further short pre-referendum period starting 28 days before the date of the referendum when more onerous rules will be in effect.

3 Report Implications

3.1 Resource

There are no financial or human resource implications in this report.

3.2 Risk

There are risks in relation to the Council's governance arrangements and reputation if up-to-date pre-election guidance is not in place and fully adhered to during the pre-election period.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ✓ ☐ None of the above

3.4 Impact on Performance and Outcomes

Approval of the guidance will enhance the Council's governance arrangements and thereby help to achieve best value.

3.5 Adopting a Preventative Approach

Having approved guidance will provide certainty for both candidates and Council staff in their actions and prevent dispute thereby ensuring internal resources are used in a more efficient and effective manner.

3.6 Involving Communities and Other Stakeholders

The proposed Midlothian Council guidance is an updated version of the guidance previously approved by the Standards Committee and the full Council

3.7 Ensuring Equalities

An EqlA is not required

3.8 Supporting Sustainable Development

This report does not contribute to sustainable development

3.9 IT Issues

There are no IT implications arising from the report

4 Recommendations

The Council is invited to approve the Pre-Election Publicity Guidance shown at **Appendix 1** and that such Guidance takes effect from the dates specified in paragraphs 2.3 and 2.4 respectively.

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Background Papers:

Representation of the People Act 1983

Political Parties, Elections and Referendums Act 2000

European Union Referendum Act 2015