

Pre-election Period Guidance

Report by John Blair, Director, Corporate Resources

1 Purpose of Report

This report invites the Council to approve revised and updated “Pre-election Period Guidance” and to revise paragraph 20 of the separate “Guidance on the Use of Council Facilities by Councillors” to make it consistent with the former.

2 Background

- 2.1** On 15 October 2013, the Standards Committee considered updated “Pre-election Period Guidance” (**Appendix 1**) and recommended approval of the same to Midlothian Council.
- 2.2** Previously, on 14 May 2013, Midlothian Council approved separate “Guidance on the Use of Council Facilities by Councillors” (**Appendix 2**). In the run up to the approval of this, the guidance had been considered by the Standards Committee on 27 March 2013 and at a meeting on 30 April 2012 involving the Independent Chair of the Standards Committee and the two Political Group Leaders.
- 2.3** One particular issue that had come up during the 30 April 2013 meeting had been the need for the existing guidance covering the pre-election period to be reviewed and updated, and in future circulated well in advance. It was also suggested that the guidance should incorporate a moratorium in the pre-election period on visits by politicians to Council premises (except to the Council headquarters for business meetings).
- 2.4** The pre-election guidance has accordingly been reviewed and updated by the officials and the proposed moratorium on visits by politicians to Council premises in the pre-election period has also been included. Members should note however that the moratorium, as drafted, does not cover the following:-
- Council premises controlled by third parties (e.g. commercial leases and residences);
 - Properties which candidates have the right to access under the Representation of the People Act 1973;
 - Council premises for normal business and Council meetings; and
 - Parks and public open spaces to which there is a public right of access.

3 Achieving consistency between the two Guidance Notes

- 3.1** There is currently a degree of inconsistency between the two guidance notes with regard to the identification of political parties in casework correspondence/headed paper.

- 3.2** The “Pre-election Period Guidance” includes the following:-

“6. Other issues

Use of Council facilities and resources by councillors

Communications by councillors to their constituents come within the definition of publicity detailed above, except where they are in response to particular issues initiated by their own constituents. Use of Council facilities for unsolicited mailings during this period should be made with extreme caution. To avoid any suggestion that actions may be motivated by the forthcoming elections, councillors should not issue communications to constituents in a form or style which they have not used before.”

- 3.3** The “Guidance on the Use of Council Facilities by Councillors” includes the following:-

“Signing-off Correspondence

12. Casework correspondence by ward councillors in response to matters raised by a constituent should be signed off “Councillor for ABC Ward”. It is also acceptable in such circumstances to identify a political party e.g. “Labour Party Councillor for ABC Ward” in the header of the letter. The reason for this is that constituents now have a choice of councillor and a factor in making that choice may be the Councillor’s political party affiliation.

“Election Periods

20. Stricter interpretation of the rules apply to Councillors’ communications and publicity in the period in the run up to an election. Between the date of publication of the Notice of Election and the polling day, mail shots in particular should not be issued and the identification of political party in casework correspondence will also be suspended. Specific guidance will be issued as an election approaches.”

- 3.4** During the pre-election period routine correspondence involving councillors (as part of “Council business as usual” activity), must be expected, including the continued use of headed paper identifying a political party in terms of paragraph 3.3 (20) above.

- 3.5** It is considered that better consistency between the two guidance notes can be achieved by amending paragraph 20 of the “Guidance on the Use of Council Facilities by Councillors” to read as follows:-

“Election Periods

20. Stricter interpretation of the rules apply to Councillors’ communications and publicity in the period in the run up to an election. Between the date of publication of the Notice of

Election and the polling day, mail shots in particular should not be issued. ~~and the identification of political party in casework correspondence will also be suspended.~~ Specific guidance will be issued as an election approaches.”

4 Report Implications

4.1 Resource

4.2 Risk

There are no risks arising from this report.

4.3 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

4.4 Impact on Performance and Outcomes

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

4.5 Adopting a Preventative Approach

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

4.6 Involving Communities and Other Stakeholders

The Communications and Marketing Manager has been involved along with the Principal Solicitor in developing the draft “Pre-election Period” guidance. The guidance was also considered by the Standards Committee on 15 October 2013.

4.7 Ensuring Equalities

An EqlA is not required.

4.8 Supporting Sustainable Development

This report does not contribute to sustainable development.

4.9 IT Issues

There are no IT implications arising from the report.

5 Recommendation

The Council is invited to:-

- (a) approve the revised and updated “Pre-election Period Guidance” shown at **Appendix 1**; and

(b)/

- (b) agree to amend paragraph 20 of the “Guidance on the Use of Council Facilities by Councillors” as proposed above in order to improve consistency between the two guidance notes.

16 October 2013

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Pre-election period guidance – Midlothian Council

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1. Applicability

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Elections / referendums

These guidance notes apply to all elections: local government, Scottish parliament, UK parliament and European parliament. Some provisions also apply to by-elections (discussed in section 5). The guidance will also apply to referendums.

Where there may be specific issues relating to particular elections these are covered in the notes.

Timescales

Although the formal pre-election period begins with the issuing of the notice of election, care should be taken in the few days immediately before this to avoid any potential perception, of political partiality.

'Independent' organisations

Care should be taken to ensure that projects, initiatives or organisations funded by an authority do not create the potential for allegations that public money is being used in support of a party or candidate. This is likely to be less of an issue where funding is general, as opposed to funding for, say, communications activity by an organisation.

2. Key points

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While there are some specific areas that required detailed advice, the essence of this guidance is:

- Council staff must discharge their duties in a politically neutral way at all times.
- There is particular sensitivity around this political neutrality in the run-up to an election.
- Particular care needs to be taken to ensure that any events, publicity or other communications are politically neutral.
- Council facilities and resources must not be used in support of a political party or election candidate.
- Unless otherwise stated, it should be assumed that normal Council business will continue.
- Unless otherwise covered by this guidance, staff should respond positively to requests for information or advice from parties or candidates.

3. Background and timing

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What is the pre-election period?

It is the period between the announcement of an election and the date of the election. It is generally taken to be from the publication of the notice of election until polling day, inclusive of both days. This is the definition referred to in the Code of Recommended Practice on Local Government Publicity, which guides local authorities on fulfilling the requirements of section 2 of the Local Government Act 1986.

The main significance of the pre-election period is in the need for heightened sensitivity, to ensure that public resources are not used in any way that might influence the result of an election.

The pre-election period has commonly been known as 'purdah'. However, this is felt by some to be an inappropriate term because of its cultural and religious origins in referring to the separation of women from men.

Timing of the pre-election period

Local authorities have some discretion on the exact timing of the publication of the notice of election, although it needs to be within a timeframe which is set out in legislation according to individual elections.

The section of a local authority responsible for elections management should communicate to its elected members and staff the date of the pre-election period. It is usually helpful if this is done several months in advance to help with event and other planning.

In some authorities, convention – although not law – means that the pre-election period is effectively observed a few days before it officially begins.

It is worth noting that the civil service tends to use the date of dissolution of parliament as the beginning of its pre-election period, as opposed to the notice of election. This convention derives from UK parliament election dates not being fixed. However, all elections now follow a timetable which is set out in legislation in advance. This can lead to the UK and Scottish governments, and their agencies, using different pre-election period dates however.

Legal and other obligations

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. Unless otherwise specified in this 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.

Staff and elected members also have obligations under their respective codes of conduct.

Between the time of publication of a notice of an election and polling day, publicity should not be issued which deals with controversial issues, or which reports views or policies in a way that identifies them with individual members and groups of members.

The following publicity activities should therefore not take place during the formal election campaign period -

- Any proactive media releases/ media activity, including photocalls, involving cabinet portfolio holders, election candidates or elected members or mentioning any political party.
- The publication of any Council material, with the exception of election-related materials, that identifies, in any way, an election candidate or a political party. Reactive media inquiries are business as usual and may involve the relevant cabinet portfolio holder.

Any other activities will require to be considered in terms of the legislation and the Code of Conduct.

4. Premises

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Definition

Council premises can include schools, offices, depots, stores and care homes where access is generally controlled or limited.

It can also include other spaces which might generally be open to the public but where there is an element of control, e.g. leisure centres and parks.

In this context, it is not taken to include public roads and pavements.

Use as offices and for public meetings

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The Local Government Act 1986 prevents local authorities from allowing Council premises to be used to promote support for a political party. However, there are some exceptions.

An authority may allow political parties to rent Council owned premises for use as offices, where such facilities are provided on a first-come, first-served basis on normal commercial terms.

Under the Representation of the People Act 1973 parties or candidates are entitled to use a school room for a public meeting in a Council run school within the candidate's constituency. The let will be free of charge, but the Council is entitled to be reimbursed for heating, lighting and other utilities, as well for any damage caused to the room by the let.

Candidates or their agents are required to give reasonable notice and any booking should not interfere with existing arrangements such as prior bookings or school hours.

In terms of the Representation of the People Act 1973, the Council must also prepare and keep for each constituency which is wholly or partly in its area, a list of rooms in school premises and a list of "meeting rooms" which candidates are entitled to use. Candidates are also entitled to inspect a list of these rooms.

Visits to Council premises by candidates

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As the election approaches, candidates may wish to visit Council premises to meet residents, e.g. in residential homes, or to be seen within the area, or to become more familiar with Council facilities. The Council has previously allowed such visits subject to management rules but it has now been decided that, subject to the exceptions listed below, no candidate shall be allowed to visit Council premises from the date of nomination until the close of poll.

This moratorium will not apply however in the following circumstances:

- Premises rented by the Council to third parties on a commercial basis where entry shall be at the discretion of the tenant
- School rooms and other meeting rooms made available to candidates in terms of the Representation of the People Act 1973
- Visits at the invitation of a resident to their room in a Council residential home or hostel
- Visits to Council premises for business and Council meetings; and
- Any activity in a Council managed public open space which has been approved by the Chief Executive (or his nominee).

Use of Council premises for publicity

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Visits by candidates

The media may request the use of a council establishment to highlight a general aspect of the election. This may or may not involve election candidates or parties. The decision on whether to agree or not to such media requests will be taken by the relevant Director in consultation with the Communications and Marketing Manager.

In reaching their decision, the Director should consider if such use by the media will favour one particular candidate or party, any sensitivities around the particular venue and its users, and the possible staff resource implications. Whatever decision is reached, it should be equally applied to all parties and candidates.

If the media is involved in a visit, employees must not be photographed, recorded or televised with prospective candidates. The consent of clients or service users must be sought and not assumed. The Council has media relations consent forms in place for situations where the people involved are under 16 or deemed to be vulnerable adults, and consent in these situations must be recorded and retained as per normal practice for media consents. The Director(s) will be advised on this aspect by the Communications and Marketing Manager.

An individual who lives in a Council residential home or hostel has a right, as an elector, to invite candidates and the media into their own room.

Visits by politicians other than candidates

It is likely to be permissible for a sitting politician, who is not affected by a forthcoming election, to visit Council premises and seek publicity for this. However, any candidates should not have a formal role at such events and Council staff should not facilitate any publicity involving election candidates, e.g. interview requests or photo opportunities.

Party political broadcasts

Council premises should not be used for the filming of party political broadcasts.

Candidate's posters and other advertising

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Political posters are not permitted on streetlights, other street furniture (e.g. traffic lights, railings and benches) and roads (including verges, central reservations and roundabouts).

The Council will not object to A Boards being placed on the pavement outside polling stations on the day of poll provided these boards do not obstruct the public right of passage. The question of whether an obstruction is being caused will be a matter for Police Scotland.

Party political or campaigning material should not be placed on notice boards or displayed in Council buildings.

Surgery notices

Sitting MPs, MSPs, MEPs and councillors may have surgery notices displayed in Council premises. These can continue to be displayed during the pre-election period providing it is the usual notice which is being displayed.

There is one exception to this rule: sitting politicians for a particular election who no longer hold office once the notice of election is published whose posters must be removed. For example, an MP ceases to be an MP in the

pre-election period for the UK Parliament elections and should have their posters removed. Other sitting politicians may continue to publicise their surgeries and, in particular as Councillors remain in post until the day of poll for a local government election any such posters should not be removed.

5. Publicity

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General

As the definition of publicity is very broad, and any content subject to interpretation, each situation has to be discussed on its own merits. Publicity can cover news releases, publications, events, photos and videos. It also includes online and social media communications as well as 'traditional' publicity.

In determining whether publicity should be allowed, the main factors to take into account are:

- The content and style of the material.
- The time and circumstances of the publication.
- The likely effect of the material on those to whom it is directed.
- Whether the material promotes or opposes a point of view on a question of political controversy which is specifically identifiable as the view of one political party but not the other.
- Whether the material contains references to any political party or to person identified with a political party.
- Where the material is part of a campaign, the effect that the campaign appears to be designed to achieve.
- The extent to which any activity is 'business as usual' or where the timing might be beyond the reasonable control of the authority.

The key test is whether a particular act can be perceived as seeking to influence public opinion or to promote the public image of a particular candidate, or group of candidates (whether or not they are existing members).

Specific points on local government elections

Public statements (reactive and proactive) may need to quote the relevant councillor responsible for a particular portfolio.. Great care should be taken to ensure that any content is clearly and directly relevant to the service or issue being discussed and reflects an agreed Council decision or policy. It must not be a general comment on the position or achievements of the sitting administration.

Any Council newspapers or newsletters should not be published during the pre-election period. Routine publications advising on council services, such as Tonezones or the Midlothian Snowsports Centre at Hillend, may be published during the pre-election period.

It is worth noting that councillors remain as councillors until the day of poll for a local government election.

Opening ceremonies or other events

Official openings or events, whether or not specifically designed to attract publicity, should not take place during the pre-election period before a local government election. Any variation on this must be agreed by the relevant Director and be justified on the grounds of exceptional unavoidable and/or unforeseen circumstances.

Media requests

In general, media requests for general filming or photo opportunities around elections should be treated as they would be normally. The only issue that would arise is if there is any question of the media outlet taking a particular stance that may be, or may be perceived to be, in favour of one party or candidate.

Requests to organise or cover hustings events would normally be permissible on the basis that they are open to all relevant candidates. In the case of broadcasters, there are strict rules that apply to maintain political neutrality and an authority should assume that the broadcaster concerned will meet its own obligations in this regard.

By-elections

Particular care should be taken to avoid any publicity in the ward or constituency affected by a by-election during the period after the notice of election has been issued.

Depending on the circumstances, it may also be appropriate to stop normal Council publicity on the day before and the day of polling.

Referendums

The Council may not publish any promotional material relating to a referendum within a period of 28 days prior to the referendum polling date in terms of the Political Parties, Elections and Referendums Act 2000. This restriction is on all material regardless of political content or neutrality.

6. Other issues

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Staff candidature

If a Council employee in a political restricted post wishes to stand for election (whether to the Council, Scottish parliament, UK parliament or European parliament) they must resign their post.

A Council employee not in a politically restricted post may stand for election to the Council without resigning their post.

Staff - other political activity

Staff in politically restricted posts should not undertake any political activity at any time.

Staff in posts that are not politically restricted may carry out political activity. However, if they are a witness for any election-related documents or otherwise personally involved in support for a particular party or candidate, they must not be involved with polling or counting.

Working relationships between staff and councillors

Some employees may have a close working relationship with councillors. It is important that this close working relationship is not compromised in any way. If an employee is asked by a councillor to provide assistance with a matter which is clearly party political or which does not have a clear link with the work of the Council, they should politely refuse and inform the councillor that they are referring the matter to their line manager for guidance. This rule also applies if a councillor seeks assistance on behalf of a candidate in the elections.

Use of Council facilities and resources by councillors

Facilities and resources provided by the Council for councillors to help them carry out their duties must never be used for party political or campaigning activities. This includes computer equipment, telephones, stationery and secretarial support. This is not an exhaustive list and councillors should check if they are not sure what is appropriate.

Communications by councillors to their constituents come within the definition of publicity detailed above, except where they are in response to particular issues initiated by their own constituents. Use of Council facilities for

unsolicited mailings during this period should be made with extreme caution. To avoid any suggestion that actions may be motivated by the forthcoming elections, councillors should not issue communications to constituents in a form or style which they have not used before.

Freedom of Information requests

There are no implications for FOI or other information requests covered by legislation. These should be handled as normal.

7. Questions and answers

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The following are examples of issues which have arisen previously. It must be remembered that the final advice will turn on the exact circumstances and these FAQs are only given to provide an indication of the type of issues you should be considering. They are not a substitute for specific, detailed advice.

1. **A controversial item is on the agenda for a meeting of the Council or a Committee which will be held during the pre-election period. Should consideration of the item be postponed until after the election?**

No. The work of the Council should continue and the item should be considered.

2. **A school has been approached by a candidate in the forthcoming election who wishes to meet pupils and have a general discussion with them about topics of concern to them. Is it okay to allow the visit?**

No, this does not constitute “business as usual” and as such the visit will come under the moratorium in terms of section 4

3. **Officers have been asked to attend an event to give advice on Council services. Is this okay?**

Whether or not it would be appropriate for officers to attend would depend on the nature of the event, who was running it and when it is being held. If the event is associated with a particular political party and is being held during (or a day or two before the beginning of) the pre-election period then officers should not attend. If it is being held outwith this period, then you would have to decide whether the event was designed to affect support for one political party. If so, then again officers should not attend.

4. **Is it okay for an election candidate to take photographs outside a Council office or facility?**

This should not be encouraged but cannot be prevented. Candidates and officials should be aware that photography in and around schools is controlled, as any existing parental consent, whether express or implied, in relation to photographs taken for school purposes cannot be regarded as extending to the use of photographs in connection with any political campaigning.

5. **What do I do if a candidate/political party refuses to accept my decision?**

Contact your Director, who can discuss the issues raised with the Chief Executive and let you and the candidate/party know the outcome of these discussions.

6. **A candidate turns up at Council premises for a pre-arranged business meeting but there are media following them. Should the media be allowed in?**

No. This is allowing a council facility to be used for a party political activity.

7. **A public consultation meeting is scheduled during the pre-election period as part of the formal planning process for a new school. Can it go ahead?**

Yes. This is both normal business and there are significant costs attached to any delay.

8. **A party wants to use a council-managed public space for their campaign launch. Should it be allowed?**

There is a convention that certain public spaces are used for campaign activity. It is generally acceptable for these to take place so long as the events are limited, e.g. around 1 hour and that there is equal opportunity for all parties or candidates to use them. The council resource/effort in facilitating these should also be minimal, e.g. enabling access to a space.

9. **The council was intending to facilitate a debate on an important issue to our area. Should it be cancelled?**

The debate must be open to participation by all parties and candidates, and it may be advisable to limit the media participation (e.g. reactive rather than proactive). With those caveats, it could go ahead, but thought would still need to be given to whether or not the issue at hand was likely to be particularly divisive along party lines.

10. **A councillor wants to give their view on a matter debated at committee to the media. Is this allowed?**

Any councillor at any time is at liberty to do this. The tests are whether they are using council resources to do so and whether the view is (or could be perceived to be) political in nature.

11. **A charity which receives funding from the council has taken an advert in a political party's newsletter. Is this allowed?**

There are two relevant issues here: what is the council's funding for (e.g. a general grant or for a specific purpose such as communications) and what is the advert for (e.g. notice of an event or self-promotion)? Generally, this is a low-risk activity so long as there is nothing overtly political about the organisation's activity or its advert.

12. **There is an event scheduled for the launch of a new service. Can local councillors be invited? And what about other politicians?**

Such events are generally very inadvisable before a local government election and should be avoided before other elections. If the latter, local councillors can be invited, although this should be avoided if one of the

councillors is a candidate. If the Director has agreed the event can go ahead, then all candidates for that ward should be invited.

13. We want to highlight a new initiative. Can the relevant cabinet member be involved?

No. Proactive publicity of this kind can go ahead without elected member involvement. We will use a service user or manager in these circumstances.

14 A partner organisation has asked to use a council venue for the launch of an initiative. A minister will be attending and significant media presence is expected. Can we facilitate this?

Yes. Hiring of council venues is business as usual.

8. Contacts and further information

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General advice on pre-election period guidance

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APPENDIX 2**MIDLOTHIAN COUNCIL****GUIDANCE ON THE USE OF COUNCIL FACILITIES BY COUNCILLORS****Purpose**

1. This guidance is aimed at assisting Councillors in regard to their use of Council facilities in carrying out their roles within the Council. The guidance attempts to ensure that Council facilities are not used for purposes which would breach either the Councillors' Code of Conduct or the Code of Recommended Practice on Local Authority Publicity and that due regard is paid to the efficient and economic use of Council resources.
2. If a Councillor fails to comply with this guidance then it may give grounds for a complaint to be made to the Standards Commission that he or she has misused Council facilities.
3. The guidance will also assist Members Services officers to support Councillors in carrying out their Council duties.

General

4. The facilities made available to support Councillors in carrying out their roles within the Council include:
 - office space with appropriate furniture and equipment, including PC (choice of desktop or laptop), telephone and stationery etc;
 - secretarial support;
 - access to photocopying;
 - incoming and outgoing mail service;
 - training and personal development; and
 - travel agency service in connection with business outwith Midlothian.
5. The use of Council facilities is governed by the following paragraph in the Councillors' Code of Conduct:

“Use of Council Facilities

3.16 The Council will normally provide facilities to assist councillors in carrying out their duties as councillors or as holders of an office within the Council. This may involve access to secretarial assistance, stationary and equipment such as telephones, fax machines and computers. Such facilities must only be used in connection in carrying out Council duties in accordance with your relevant Council’s information technology, communications and member support policies or for incidental personal use as authorised by your Council and not related in any way to party political or campaigning activities. Where the Council recognises party political groups, assistance to such groups is appropriate in relation to Council matters but must not extend to political parties more generally and you should be aware of and ensure the Council complies with the statutory rules governing local authority publicity.”

It is important to note that in relation to complying with the local authority publicity rules the onus is placed on individual members to ensure that in carrying out their duties the Council does not contravene these rules.

If a Councillor fails to comply with this paragraph of the Code of Conduct then he or she is likely to face a complaint to the Standards Commission and the imposition of sanctions such as censure, suspension from entitlement to attend council meetings or disqualification to be a Councillor, depending on the facts and circumstances of the particular case.

6. Rules governing local authority publicity are set out in Section 2 of the Local Government Act 1986, as amended by Section 27 of the Local Government Act 1998, which states:

“A local authority shall not publish, or arrange publication of, any material which, in whole or in part, appears to be designed to affect public support for a political party. In determining whether material falls within the prohibition regard shall be had to the style and content of the material, the time and circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters:

- a) Whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view which is identifiable as the view of one political party and not of another;
- b) Where the material is a campaign, the effect which the campaign appears to be designed to achieve”.

“Publicity” is defined widely as including any communication, in whatever

form, addressed to the public at large or to a section of the public. This legislation has also led to a Code of Recommended Practice on Local Authority Publicity, a copy of which is included in the Welcome Handbook provided to each Member following their election¹.

7. It is recognised that correspondence by Councillors has become more problematic with the introduction of multi-member wards. Further guidance on this is given below.

Correspondence - Content

8. All correspondence, including emails, prepared and issued using Council facilities must be connected with the functions of the Council or with the Council's policies in relation to these functions and the reasoning behind these. It may also be designed to attract people to use a Council facility or service.
9. Descriptions of the Council's decisions or policies should provide facts or explanations accurately.
10. Descriptions of the Council's decisions or policies should be presented in a balanced and reasonable way and should not be expressed in ways which could be seen as being designed to increase or decrease support for a political party.
11. The Council's headed notepaper should be used for paper correspondence.

Signing-off Correspondence

12. Casework correspondence by ward councillors in response to matters raised by a constituent should be signed off "Councillor for ABC Ward". It is also acceptable in such circumstances to identify a political party e.g. "Labour Party Councillor for ABC Ward" in the header of the letter. The reason for this is that constituents now have a choice of councillor and a factor in making that choice may be the Councillor's political party affiliation.
13. Correspondence on the other hand concerning Council business conveying the official Council line should be signed by Councillors in their Council capacity e.g. "Leader" or "Chair of ABC Committee" or "Cabinet Portfolio Holder for XYZ". Here the identity of their political

¹ See also on Intranet under Council>Councillors>Online Elected Member Resources>Library.

party is not appropriate and should not be included in the header or elsewhere in the letter.

14. Council headed notepaper and email templates should not be customised in breach of these guidelines.

Publicity or Surgery Details

15. It is important that members of the public are aware of all the Councillors in their ward and the fact that they are available to help so they can chose which one they wish to represent them.
16. In order to avoid the risk of being regarded as party political material, mail shots to a section of a ward, including street letters and other unsolicited communications, the cost of which are to be met by the Council, are considered appropriate only in the following circumstances:
 - each ward member has agreed to the mail shot/poster/leaflet and has approved its contents for publication;
 - the content is limited to factual content, the identity of all ward members and their contact details;
 - members are supported in this by the relevant Director on the basis that the content does not duplicate information which Council Divisions have issued or are planning to issue. In particular, it should avoid the risk of confusion with a statutory or service-led consultation process which a Council service is required to or proposes to undertake.
17. The guidance on correspondence content and signing-off above also apply to publicity.

Computers

18. All use of computer facilities provided by the Council should comply with Council's ICT Acceptable Use Policy.²
19. Councillors should be aware that their use and storage of personal data must also comply with the Data Protection Act 1998 and the

² This can be viewed on the Intranet under IT>IT Customer Portal>Information Management>Policies..

Council's policies and guidelines under it.³ In particular, Councillors will need to register with the UK Information Commissioner where they process personal data held on computer. The cost of registration will be met by Midlothian Council and the Council's Data Custodian can assist members with the registration process. Further detailed guidance on data protection matters for Councillors can be obtained from the UK Information Commissioner's website, www.ico.gov.uk.

Election Periods

20. Stricter interpretation of the rules apply to Councillors' communications and publicity in the period in the run up to an election. Between the date of publication of the Notice of Election and the polling day, mail shots in particular should not be issued and the identification of political party in casework correspondence will also be suspended. Specific guidance will be issued as an election approaches.

Further Advice

21. Further advice on the implementation of these guidelines can be sought from the Monitoring Officer/ Head of Customer Services.

³ See on the Intranet under Services>Information Management>Data Protection Act Guidance.