

**Title of Report: Midlothian Council Elections, 5 May 2022
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 Pre-Election Publicity Guidance in advance of the forthcoming Midlothian Council Elections to be held on Thursday 5 May 2022.

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 the forthcoming Midlothian Council Elections to be held on Thursday 5 May 2022.

Date 22 November 2021

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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 Council has some discretion when the pre-election period starts but it cannot be later than the publication of the Notice of Election on Monday 14 March 2022. Given the sensitivity of actions prior to that date, it is intended that the Council will enter the pre-election period on Tuesday 01 March 2022. The pre-election period will then run to close of poll at 10pm on Thursday 5 May 2022.
- 3.3** The Guidance is as attached as Appendix B to this report and members are referred to that Appendix for its terms.
- 3.4** It must be noted that all Councillors will remain as elected members until close of poll on 5 May 2021. 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.

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 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

Pre-Election Period Guidance

