

To: All Councillors

Copies to:
Senior Officers
Communications Officers
Community Action Officers

Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: 5 January 2021
My ref:
Your ref:

Dear Councillor

PRE-ELECTION PERIOD AND LOCAL AUTHORITY PUBLICITY

As most of you are aware during a pre-election period, special rules apply with regard to Local Authority publicity.

Publicity in this context is defined in Section 6(4) of the Local Government Act 1986 as “any communication, in whatever form, addressed to the public at large or a section of the public.”

The Publicity Code is now grouped into seven principles that publicity issued by local authorities should follow. These require all publicity to be:

- (1) Lawful;
- (2) Cost effective;
- (3) Objective;
- (4) Even handed;
- (5) Appropriate;
- (6) Have regard to equality and diversity; and
- (7) Be issued with care during periods of heightened sensitivity.

This final principle provides guidance as to how Local Authority publicity should be treated during periods of elections and referendums, both national and local.

In general terms, between the posting of the notice of election and polling day, councils should not publish any material which seeks to influence voters. Publicity relating to individual members who are directly involved in the election can only be published if expressly permitted by law. However, it is permissible to publish factual information which identifies the names, wards and parties of candidates standing for election. Consequently, although the publicity code authorises local authorities to otherwise publish websites and blogs posting material produced by third parties, this arrangement has to be suspended during the election period to prevent any inadvertent breach of the legal restrictions.

In addition, during this period the Council itself must take care not to publish anything on controversial issues or to record views or proposals, in such a way as to identify them with any member or a political group.

This year the election period commences on Monday, 15 March 2021 and will conclude on Thursday, 6 May 2021 (polling day). During this period, members (and officers) must ensure that they comply with this guidance. Not to do so could have serious electoral and reputational implications for any member standing for election and for the Council as a whole.

Of course, Council business has to continue as usual throughout the pre-election period right up to election day, so appropriate publicity around normal Council business/event is permissible. This includes the ability of Cabinet members to act as Council spokespersons on matters of genuine public interest. However, the nature and content of this publicity must be thoroughly thought through, so as to ensure that the Code is not breached. All sensitive or controversial matters will need careful handling during this period, as they could have an impact on public opinion for or against any Cabinet or political party.

The Chief Executive and I, as Monitoring Officer, will certainly have to be consulted over such matters and may, in appropriate cases, have to issue specific advice on individual examples. The following danger areas require particular mention:

- Council press releases;
- Photo calls;
- Election sensitive issues;
- The use of Council resources including websites and pages, email, blogs, newsletters and correspondence.

If prior consultation has taken place, such intervention should be kept to an absolute minimum and, better still, avoided altogether.

Members should also be aware of the general restriction on the use of Council resources for private or party political purposes. The guiding principle throughout this period must be to seek early advice from either the Chief Executive or myself if you are unsure. In my absence, the Deputy Monitoring Officer, Tim Collard, will be available to assist you with any urgent matters.

Yours sincerely

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