

APPENDIX 2

Frequently Asked Questions — Relations with Political Groups etc at the Election Period (EPs) and at Other Times

1. What is the E.P.?

E.P. is the period of time from when the Returning Officer issues a notice of an election until after the election is held. It is sometimes referred to as the “Purdah” period a description which is not regarded as appropriate to the subject matter. This period usually lasts 25 days. Ordinary local government elections in England are held on the first Thursday in May every year unless changed by Order of the Secretary of State. (Section 37 of Representation of People Act 1983).

2. What does the Law state about E.P.?

It is a statutory duty to have regard to the Code of Recommended Practice on Local Authority Publicity. The Code of Recommended Practice on Local Authority Publicity, 2011, which applies to all local authorities in England states: “The period between the notice of an election and the election itself should preclude proactive publicity (in all forms) of candidates and other politicians involved directly in the election.”

3. What are the implications of E.P. for the Council?

The Government Code explains that Directors should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them within individual members or groups of members. During this period, there is a ban in place on publicising the views of political parties, issuing press releases or promoting initiatives with quotes and photos which would favour a particular candidate. (Please see page U1 of the EFDC Constitution).

4. What are the implications of E.P. for individual Directors and Assistant Directors?

The basic principle is that any activity which could call into question a Director's impartiality or could give rise to the criticism that public resources are being used for Party political purposes must be suspended during E.P.

5. How do I find out who the candidates are?

The Returning Officer, Mr Ian Willett (Democratic Services, Ext 4243) will have details of all candidates standing in any election (General, District, Parish and Police Commissioner) within the Epping Forest District once the notice of the election is published.

6. What kind of information can I supply to candidates?

A Director can only supply factual information to candidates if asked and must not offer views and opinions during this period as this will compromise rules of impartiality.

7. If I am approached by more than one political party to supply information to candidates what should I do?

Directors and Assistant Directors must undertake an 'even-handed' approach to the supply of information to political parties and independent candidates so as not compromise their impartiality of politics. All political parties and independent candidates should be regarded as having equal rights when requests are received.

8. What information can I supply to Members of the Council who are not standing for election?

Requests for information by Members of the Council who are not standing for election must also be treated with care. Directors might tactfully ask whether the Member is using the information for their Ward or to assist a candidate in an election. If the latter is implied then Directors must only offer factual information to the Member that does not compromise impartiality (see 6).

Normal briefings on agenda for Chairmen, Vice-Chairmen, and Cabinet members will continue throughout E.P.

9. What material can I publish during E.P. to members of the public?

Directors can issue official press statements about the District Council's decisions on a factual basis for public information purposes without naming individual members - except where there is a genuine need for a Council comment or response at member level.

Political material should not be posted on official notice boards (or the website) for public consumption. This includes publicity issued by, or on behalf of, a trade union. Any such information would compromise officers in that it could be seen as giving support to a political party using Council facilities.

10. Am I allowed to give professional advice during a Council meeting in the E.P.?

Directors and Assistant Directors attend scheduled meetings of the Council and other bodies as arranged at the start of the Council year and must give advice on Council business as normal.

They should be careful only to offer professional advice and factual information to Members in such circumstances and avoid expressing any views or opinions about political campaigns that could compromise their impartiality.

11. I have been invited by a candidate to attend a political meeting or election meetings, what should I do?

Directors are strictly forbidden to attend any political meeting of any sort in E.P.

12. Can I meet with a candidate?

Directors should be open to meeting with candidates for election if asked. In such meetings, they must not be drawn into discussing political views and opinions or campaign issues with candidates. Directors can only provide candidates with factual information during such meetings.

13. Can I canvass or campaign for a candidate or political party?

Senior positions with the Council like the Chief Executive, Deputy Chief Executive, Directors, Assistant Directors are subject to a legal restriction which prevents their involvement. These are known as politically restricted posts. Some other more junior staff may also occupy such restricted posts such as those who brief the media or are involved in giving advice to Councillors.

If your post is a politically-restricted one then canvassing or campaigning for a political party in any capacity is strictly forbidden. Those in such posts must not undertake work with a public political profile.

Staff who are not politically restricted should check with their supervisor if they would like to become involved.

If you are unsure whether you have a politically-restricted post information is available in your job description, contract or from the Human Resources.

14. Can normal Council decision-making continue during an E.P?

In a landmark Court of Appeal judgement ("the Redcar Case"), the Courts found that decision making however controversial this might be should continue provided it is part of a process which was set in train before the election period started. However, what is ruled out is any manipulation of an ongoing process of decision for political purposes.

For instance, it would not be proper for a decision which might give advantage to one candidate or party to be brought forward so that it was taken during the election period to give an advantage at the polls. Likewise, it is not proper to ask officers to defer decisions from the election period for political reasons.

It is quite possible that the schedule of decisions to be taken during the election period could be changed for other reasons but the schedule should not be changed for political ones.

15. Does the Redcar Case mean that the Council can still make controversial decisions during the E.P?

Yes. The Council can take such decisions if there is a requirement to make them at that time. (e.g. planning decisions). However, officers should be wary of requests to manipulate such decision timetables for campaign reasons as explained in section 14.

16. What should I do if I receive a request for a decision to be brought forward or to be deferred?

All requests for earlier action or postponement by individual members (particularly from those who are candidates or thought to be assisting in an election campaign) should be treated with caution. Directors should seek further information and advice from the Monitoring Officer.

17. What should I do in an emergency situation?

If there is an emergency request brought forward to Directors that does not compromise impartiality then Directors must react. In an emergency or where there is

a genuine need for a Director level response to an important event outside the Council's control Directors should be able to comment, take action or seek member decisions if such a situation arises.

18. Can Council premises be used for political meetings?

During E.P. there should be a presumption against political meetings being held on Council premises. Particular care needs to be taken in regard to venues such as public halls, elderly persons' accommodation and sports centres where there may be restrictions governing the operation of such premises which preclude political activity,

If a request is made and it is not clear whether it relates to a political meeting, further information should be sought regarding the purpose of the event and the organiser. This may assist in deciding whether approval to the use of the accommodation is appropriate. In the event of any doubt, advice should be sought in accordance with section 19 below.

If any premises are to be made available, they should be offered on an even-handed basis to all political parties.

19. What happens during the rest of the Council Year?

Staff should be clear that for the rest of the year, outside the election period, officers are still required to maintain a strict impartiality in dealing with political groups, the Council and individual members. This requirement is set out in the Council's constitution in a special protocol regarding the management of relations with political groups and in the officers' Code of Conduct which applies to all staff.

The same requirements are set out in the Code of Conduct for elected members, in which all Councillors are advised not to seek to compromise the impartiality of officers or their advice. If a member of staff is concerned that what they are being asked to do breaches the rules of impartiality, they must draw this to the attention of their line manager.

20. Where Can I Obtain Advice?

Please speak with your line manager in the first instance. Further advice is always available from the following:

Director of Corporate Support Services, Colleen O' Boyle (Ext 4475)

Returning Officer, Ian Willett (Ext 4243)

A copy of the Government Code on Publicity can be found in the Council's Constitution at Page U1.

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