

SOMERSET'S ELECTION CODE OF PRACTICE

COUNTY COUNCIL ELECTIONS 2017: GUIDELINES FOR MEMBERS, CANDIDATES AND OFFICERS

1. Introduction

- 1.1 This Code of Practice applies to all Council Members, Candidates, Political Agents and Officers and applies to County Council elections. It takes effect from the 20th March 2017 – the date of the publication of the notice of election.
- 1.2 The Code has been agreed by all the political group leaders.
- 1.3 Any comments or problems arising should be addressed to Julian Gale, Governance & Risk Manager, 01823 359047 email jjgale@somerset.gov.uk

2. Guidelines to Councillors

- 2.1 Serving Council Members must not use their position to obtain privileges from the Council for any candidates in relation to:
 - The issue and use of confidential information
 - The use of Council premises
 - The use of officer time
 - Visiting Council establishments.
- 2.2 Any facilities provided by the Council (eg email and IT, secretarial services, stationery and transport) for Members to carry out their duties as Members must not be used for electioneering or canvassing. They may continue to be used for normal Council duties during the period prior to an election.

3. Guidelines to Officers

- 3.1 Officers employed by the Council cannot stand for election to the Council.
- 3.2 When acting in a professional capacity, Officers must not take part in publicity which could link them with any political party. Officers whose posts have been identified as “politically restricted” are also subject to additional legal constraints in respect of political activity. These include NOT:
 - holding office in a political party, acting as an election agent or canvassing on behalf of a political party or a candidate for election,
 - speaking in public, giving interviews or publishing any written work with the intention of influencing public support for a political party.

- 3.3 These restrictions do not prevent Officers or their families from displaying, for example, an election poster in a window of their home if they so wish.
- 3.4 Officers should act fairly and impartially towards all candidates and parties. Candidates may ask for information from officers either about the work of the Council generally, or in response to an issue that has cropped up (politically or otherwise). Officers should endeavour to be helpful within reason when such requests are received. However, it is unreasonable for Candidates to expect Officers to embark on extensive research projects or to spend a disproportionate amount of time collating information that would not normally be provided. If one Candidate asks for information there is no requirement to send it to other Candidates automatically. Only provide it if it is asked for.
- 3.5 Except for the use of public premises in the pre-election period, Candidates have no additional rights to any other member of the public. In law, only facilities and information available to the general public should be made available to them.
- 3.6 Council premises must not be used to promote an individual Candidate or political party. Advertising material supporting a political party or Candidate must not be displayed in Council offices or on Council land (including the highway) or on Council property such as cars used by Officers for official business. Similarly, no such political/election material should be displayed by any contractor working on behalf of the Council. Officers should make this clear to contractors.
- 3.7 Candidates may take general photographs of Council premises from outside the site providing they are not used to exploit or indicate the views of the Council or any of the pupils, residents or Officers working in those premises. Photographs of Officers, pupils or other Council clients will only be permitted if prior consent has been obtained from the head of the establishment or the head teacher of the school.

4. Use of Premises

- 4.1 From the 20th March to the 3rd May, Candidates have the legal right to use publicly funded schools and other public meeting rooms for election meetings free of hire charge. However, they can be asked to meet the cost of caretaking etc. A fair and consistent approach must be taken.
- 4.2 Deputy Returning Officers have the right to use publicly funded school or other meeting rooms for use as polling stations. The Deputy Returning Officer will minimise any disruption to the normal working of the establishment but, ultimately, if there is no alternative, the Deputy Returning Officer has the legal right to use such accommodation as they consider most appropriate.

4.3 Detailed guidelines on these rights are appended. (Appendix A)

5. Publicity

5.1 Candidates will be seeking maximum publicity for their activities. Heads of service units will need to apply the requirements of paragraphs 3.6 and 3.7 above when contacted by Candidates wishing to visit County Council premises.

5.2 Advice to Candidates might need to include:

- clear guidance about authorisation for taking photographs of Council premises
- restrictions on interviews with Officers and residents: and
- ensuring that tours are escorted by an appropriate Officer.

5.3 The Council will not be imposing any local restrictions on Candidates publicity material during the pre-election notice period beyond the legislative rules that apply.

The legal requirements for Candidates in respect of publicity are set out in the Electoral Commission's advice to candidates – see <http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents>

5.4 The Council's Communications Team can assist in all dealings with the media and will, on request, advise on briefing journalists, arranging interviews and escorting press and camera crews on tours of buildings.

5.5 A detailed media protocol is attached (Appendix B)

6. Guest Speakers

6.1 Individual Candidates should not be invited as speakers or guests at any school or other Council function unless all other relevant candidates have been offered a similar opportunity.

6.2 Any public or private debate/talk organised through a school or other Council premises as part of the curriculum must be structured on an all-party basis. Therefore all political parties fielding Candidates in the relevant area must be given the opportunity to take part.

APPENDIX A GUIDELINES ON THE USE OF ROOMS FOR ELECTION MEETINGS

- 1** Deputy Returning Officers and Candidates have special rights under the Representation of the People Act 1983 to use public rooms for election purposes and meetings.
- 2** During the period between the calling of the election – 20th March 2017 and the day preceding the date of poll (3rd May 2017), a Candidate is entitled to hold a public meeting in support of his/her campaign, at any reasonable time, free of charge, in any suitable room in any publicly funded school premises or meeting room. The school premises referred to are Council schools, voluntary and foundation schools situated in the electoral division or an adjoining division (if there are no suitable premises in the candidate's division). Academies can also be used.
- 3** As well as school rooms, a Candidate can also use any room, hall, gallery or gymnasium which is available for public meetings and which is maintained wholly or mainly out of public funds. The cost of preparing, warming, lighting and cleaning the rooms, in preparation for the meeting and for restoring the room to its usual condition after the meeting can be charged to the candidate or the person booking the room on his/her behalf. Any "caretaking" charge must exclude a hiring fee. In addition, the Candidate can be required to cover the cost of any damage done to the room or the premises during the period of occupation.
- 4** A Candidate has no right to use the room during the hours when it is used for educational purposes or to interfere with the use of a meeting room being used by the occupier or let for a prior purpose. A council cannot refuse to allow a Candidate to use a room on the grounds of its disapproval of the candidate's views.
- 5** No person other than the Candidate, his election agent or person authorised in writing by that agent, can incur expenses for public meetings used to promote a candidate.
- 6** A public meeting is defined a meeting which is open to the general public and not restricted to ticket holders only.
- 7** Every Deputy Returning Officer must have available lists of rooms in school premises and elsewhere which Candidates are entitled to use. This list should be kept by the Electoral Registration Officer for inspection by a Candidate or his election agent at all reasonable hours.

Control at public meetings:

- 8** The ultimate means of keeping order at meetings is through common law - to exclude any person or persons causing a disturbance from that meeting by using reasonable force to eject them, if necessary. A person causing a

disturbance or inciting others to act in a disorderly manner could be liable to a fine under Section 169 of the Representation of the People Act 1983.

- 9** The Police have power to control public assemblies and restrictions do exist on the right to assemble peaceably to hold meetings to protect the rest of the public from undue disturbance.
- 10** The local Police should be advised at the earliest opportunity of any public meeting which is likely to attract a substantial number of people. Their advice should be taken on any organisational considerations which ought to be taken into account.

APPENDIX B

MEDIA PROTOCOL County Council Election

This Protocol covers the Council's communications and public relations activity during the pre-election notice period – 20th March to 3rd May 2016.

This Protocol accords with the Government's Code of Recommended Practice on Local Authority Publicity 2011.

During the pre-election notice period, the Council will:

- Ensure that no Candidate or their agent is involved in any communications, event or activity, which might be perceived as promoting or favouring a candidate or a political party over another. This includes quoting candidates in news releases or statements for the media, or offering speaking opportunities to candidates.
- Not provide quotes from any Members of the Council to the news media or other organisations unless there is an emergency or significant event that justifies Member involvement – to be agreed by the Chief Executive in consultation with the group leaders. In these circumstances the political groups will nominate a Member not standing as a Candidate in the election as their spokesperson. Aside from these exceptions, appropriate Officers will be used for media quotes and activity during this time.
- Not arrange publicity events or photo calls that involve Members whether election candidates or not - appropriate Officers will be used during this time.
- Continue to have responsibility to promote a positive climate for race equality. This can include the promotion of good news stories on race equality issues.
- Only issue media releases referring to policy or controversial matters directly affecting an electoral division, if the release of this information at this time is part of the Council's usual business.
- Not include Elected Member quotes in Your Somerset during the pre-election period.