

BABERGH DISTRICT COUNCIL

FROM: The Monitoring Officer

REPORT NUMBER **K186**

TO: **STANDARDS COMMITTEE**

DATE OF MEETING 21 January 2011

GUIDANCE FOR COUNCILLORS DURING ELECTION ‘MORATORIUM’

1. SUMMARY

- 1.1 At its meeting on 29 January 2010, the Committee adopted an advice note as guidance for councillors on their conduct during any election moratorium period. The advice note was issued to councillors before the General Election last year and the intention would be for it to be circulated again before the District Council elections on 5 May 2011.

- 1.2 The Monitoring Officer has made minor amendments to the contact details contained within the guidance. Members are invited to consider whether there are any other amendments or improvements that they would wish to see made to the note.

2. RECOMMENDATIONS

- 2.1 That the Monitoring Officer be instructed to issue the advice note at Appendix 1 with such amendments (if any) as the Committee considers appropriate.

- 2.2 That the Monitoring Officer be authorised to make minor amendments to the advice note in consultation with the Chairman of the Committee.

3. FINANCIAL IMPLICATIONS

- 3.1 None.

4. RISK MANAGEMENT

- 4.1 This report is most closely linked with the Council’s Significant Business Risk No. 5 (Governance).

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
A councillor breaches the Code of Conduct by using Council resources improperly for political purposes or brings the Council into disrepute.	Low	Significant	Raise awareness of the pitfalls by circulating guidance

5. **EQUALITIES AND DIVERSITIES**

5.1 There are no equalities and diversity issues directly relevant to this report.

6. **KEY INFORMATION**

6.1 The guidance was prepared taking into account five principal factors; the Code of Conduct, section 2 of the Local Government Act 1986, the ICT User Handbook, advice from Standards For England and the Code of Recommended Practice on Local Authority Publicity. Whilst the last Government issued a consultation document in 2009 on revising the Publicity Code, no changes were introduced. The other four factors also remain unchanged.

6.2 The note seeks to explain the main restrictions which both the Council and serving councillors should observe once notice of an election has been given until after the result has been declared. This period is referred to as the election 'moratorium'. The restrictions are intended to ensure that the Council does not act in a way that either could, or appears to, affect public support for a political party and that Council resources are not used improperly for party political purposes. These restrictions are applied more rigidly during the moratorium. Failure to comply by a councillor could amount to a breach of the Code of Conduct, specifically in relation to paragraphs 6 (improper use of resources) and 5 (disrepute). Paragraph 6(c) also places an obligation on councillors to have regard to the Publicity Code which includes details on the use of publicity in all its forms concerning candidates and other politicians directly involved in an election.

6.3 Following circulation of the note last year, queries were raised as to whether Babergh members were being advised not to undertake canvassing and leaflet distribution. There is no intention for councillors to be deterred in any way from undertaking such activities and the Committee may wish to be satisfied that the note is sufficiently clear in this respect.

6.4 The use of Council laptops during the election 'moratorium' can be an area which causes uncertainty. Councillors are permitted throughout the moratorium to use their Council laptop etc. for the conduct of normal Council business, but not for party political purposes associated with the election. Members may wish to consider whether it would be helpful if the note included reference to the restrictions not inhibiting the appropriate use of equipment for normal Council business.

6.5 The Standards Committee of Mid Suffolk District Council will be asked to consider a similar advice note and it would be helpful if the Monitoring Officer is able to encompass any further improvements suggested by that Committee within the note for Babergh members, if appropriate, hence the recommendation at paragraph 2.2.

7. **APPENDICES**

7.1 Advice Note to Councillors During Election 'Moratorium' (29 January 2010, updated).

8. **BACKGROUND PAPERS**

8.1 Letter from Standards For England to the Monitoring Officer dated 20.7.09

CONTACT: Kathryn Seward

EMAIL: kathryn.seward@babergh.gov.uk



Advice Note To Councillors During Election 'Moratorium'

This note is issued as general guidance to councillors on restrictions that should be observed by the Council and its members over the moratorium which applies in the period between the notice of an election and the election itself. In the case of county and district elections, this will be a period of 6 weeks. It may be a lesser period for General and European elections.

Issue of Communications

The Code of Recommended Practice on Local Authority Publicity stipulates that throughout the moratorium Councils should not issue publicity in any form involving:

- (i) candidates
- (ii) other politicians directly involved in the election, or
- (iii) political parties.

Examples of direct involvement in the election include: doorstep, email and telephone canvassing, delivering election material, 'telling' outside polling stations and transporting electors to polling stations.

Council publicity is not permitted to deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with political groups or persons directly involved in the election.

Therefore, during the moratorium, the Communications Team will not be able to issue communications that promote the names or views of any councillor who is involved in the election. It may continue to issue communications referring to councillors who are not directly involved in the election provided the communication does not appear to affect support for a political party.

Use of Council Resources

There are restrictions under the Code of Conduct on the use of Council resources and members are referred to their copies of the Code for details.

Of particular relevance is Paragraph 6 of the Code which states that councillors must ensure that Council resources are not used improperly for political purposes (including party political purposes).

The use by councillors during the election moratorium of Council resources for party political purposes includes, for example, the use of:

- Council premises
- any Council equipment – this includes ICT equipment (computers, printers) provided for use on Council premises or in the councillor's home
- Council Telephone and fax (including any Council-provided telephones for use at home)
- Personal Council email addresses

- Council photocopiers
- Council stationery and headed notepaper
- Council postal services
- Council name badges.

Councillors are also referred to the Council's ICT User Handbook. This stipulates that it is unacceptable to use the Council's ICT facilities to conduct any political activity unless it is undertaken by a councillor in connection with the discharge of Council functions or the councillor's office as an elected Member.

Use of Photographs

The Local Government Act 1986 prohibits the Council from providing assistance (including the use of any Council resource) in the publication of material for party political purposes. This means that the Council must not permit its offices or any Council equipment to be used in connection with the production or distribution of any party political material. It extends to photographs taken by Council officers or with Council equipment which should not be used in any material published by or on behalf of any candidate/political group.

Standards For England has also advised us that the use of Council resources by any councillor must be treated with particular sensitivity during the moratorium. In view of this, councillors involved in the election are asked not to use photographs that have been taken on behalf of the Council (whether by its officers or otherwise) or with Council equipment on anything published by the councillor (or on their behalf) during the moratorium, including electronically, over this period. To do so could be regarded as an improper use of a Council resource to promote a political view or group.

If you need a further copy of the Code of Conduct or advice on any of issues mentioned above then please contact any of the following officers:-

Kathryn Seward, Monitoring Officer - (01473) 825729 or (01449) 724679

Ray Amesbury, Deputy Monitoring Officer - (01473) 825891.

Jonathan Reed, Deputy Monitoring Officer – (01449) 724677 or (01473) 825743

Phil Tallent, Deputy Monitoring Officer – (01449) 724694