

Agenda 16 b)

COUNCIL
20/06/24



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L01-24 | CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY (ENGLAND) / PUBLICITY DURING THE PRE-ELECTION PERIOD

A code of recommended practice on local authority publicity ('the Code') was issued on 31 March 2011. By virtue of s.6 of the Local Government Act 1986, the Code applies to parish councils.

It is recommended that parish councils follow the Code, which is available via the following link: <https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>.

Paragraph 28 of the Code says:

"Local authorities should not publish or incur expenditure in commissioning in hard copy or on any website, newsletters, news sheets or similar communications which seek to emulate commercial newspapers in style or content. Where local authorities do commission or publish newsletters, news sheets or similar communications, they should not issue them more frequently than quarterly, apart from parish councils which should not issue them more frequently than monthly. Such communications should not include material other than information for the public about the business, services and amenities of the council or other local service providers".

Paragraphs 34 and 35 of the Code are set out below:

"During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.

In general, local authorities should not issue any publicity which seeks to influence voters. However this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support or oppose a question put at a

referendum. It is acceptable to publish material relating to the subject matter of a referendum, for example, to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject of the vote”.

The Local Government Association has published a short guide to publicity during the pre-election period. The guide is available via the following link:
<https://www.local.gov.uk/our-support/guidance-and-resources/pre-election-period>.

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GENERAL ELECTION 2024

FAQs

We have been asked a number of questions regarding local council activity during the pre-election period which ends with the General Election being held on July 4th, 2024. The CALC has therefore put together an FAQ sheet of the questions asked to provide some broad guidance to local councils.

Legislation

[The Code of Recommended Practice on Local Authority Publicity](#) applies to all local councils during the period leading up to the General Election on July 4th, 2024. NALC recommends that parish and town councils follow the code during the pre-election period.

In addition to the Code and national guidance we have been asked a number of specific questions which are answered below.

Council Resources

Council resources cannot be used for political purposes and this includes use of :

- Council premises
- IT and equipment inc. telephone, postage and photocopying
- Council social media including website, Facebook, X etc.
- Council provided email addresses
- Staff time

These restrictions include :

- i) Where a member wishes to support a political campaign or is standing for election as an MP, it must be made clear that they are doing this in their personal and private capacity and that they do not imply any connection to their office of councillor.
- ii) Council regalia should not be worn at political events or in photographs which will be used to promote political support.
- iii) The council should not permit its buildings or premises being used for photo opportunities where this will confer any political advantage.
- iv) The Council should not rent out rooms for political activities including hustings.
- v) Local council officers should remain independent and follow the same guidance issued to elected members. They should be cautious about undertaking any activity which could be interpreted as trying to influence voters or promote specific candidates or political parties.

Publicity

Local councils should not issue any publicity which seeks to influence voters.

Publicity includes any communication, in whatever form, addressed to the public as a whole or to a section of the public. It includes speeches, interviews, items on the council website, social media, noticeboards, press releases, newsletters, leaflets and newspaper articles issued by or on behalf of the council. It can also include publicity by organisations which the council funds.

Where an individual councillor wishes to use social media to campaign or support a candidate, this must be done from their own private, personal accounts and must not refer to activities of the council or their role as a councillor.

Meetings

Council Meetings : The council is able to meet on July 4th, 2024 but may need to consider alternative arrangements if the council rooms are used as a polling station for the elections. You will need to make arrangements either to change the venue or the date of the meeting if it falls on either July 3rd or July 4th; it is likely to be impractical to use other rooms in the same building on polling day.

Public Meetings : Where the council holds public meetings or supports or assists in meetings organised by others, then these are caught under the publicity rules. The intention behind the meetings does not matter, what is important is whether it 'appears' to be designed to affect political support. Therefore, councils should be cautious around single-issue public meetings during the pre-election period.

Council Business and specific meetings or activities

NALC advises that the key is, business as usual. The point of the pre-election publicity period is for councils to avoid doing anything that could influence voters or promote specific people or political parties. The council need to consider whether there is anything in the proposed meeting or activity that would do that and if it can go ahead if not.

Ordinary business of the council can continue as normal throughout the pre-election period. This will include managing the normal workload of the council including projects, FOI requests, councillor surgeries and normal notices etc.

Concerns around the activities of individual councillors

If you have any concerns about the activities or behaviour of individual councillors, these should be raised with the Monitoring Officer of Cornwall Council who will be able to advise.

Useful Information

NALC

[NALC Briefing On L01-24 | Code Of Recommended Practice On Local Authority Publicity \(England\) / Publicity During The Pre-Election Period](#)

The Local Government Association

[Short guide to Publicity during the Pre Election Period](#)

[The Pre Election Period](#) – guidance and information for local councils during the pre election period including further FAQs