

Draft Letter

Dear Councillor/Colleague

**PRE-ELECTION ACTIVITIES**

I write to provide guidance in respect of activities in the lead-up to the Council Elections on 3 May 2007. Members and officers will be aware that under the provisions of the Local Government Act 1986 the Council must not publish any material which, in whole or in part, appears to be designed to effect public support for a political party'.

The 1986 Act defines publicity very widely and includes any communication, in whatever form, addressed to the public at large or to a section of the public. This not only includes documents published but can also include Council meetings and Council organised events.

This does not mean that the Council cannot publish information about the delivery of services or the Council's performance but must ensure that such publicity meets the requirements of the Act.

These provisions apply at all times but are more sensitive in the pre-election period. Section 4 of the 1986 Act introduces a Code of Recommended Practice on Local Authority Publicity which gives specific advice regarding this period and states that :

“The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual Members or groups of Members. However, it is acceptable for the Authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a Member-level response to an important event outside the Authority's control. Proactive events arranged in this period should not involve Members likely to be standing for election.”

In considering whether certain activities should be undertaken in the lead-up to the elections and the role of members in such activities I suggest that three issues must be considered :

1. Is there a valid reason for the Councillor concerned to represent the Council on this issue and is the information presented on behalf of the Council in accordance with the Act and Code.
2. Is there a good reason why the activity/meeting should be happening now rather than after the election.
3. Can the Council demonstrate to an outside observer that the purpose of the activity is not that of pre-election publicity.

I emphasise that the purpose of these restrictions during the period between the notice of election and the election itself is not to prevent the Council carrying out its normal business but to prevent business conducted during this period being used to secure an electoral advantage. It is important that Members distinguish between their Council activities and those they conduct as candidates or in support for candidates.

If individual Members or officers would like advice on activities before 3 May 2007 please contact the Monitoring Officer for assistance.

Yours sincerely,

Suzan Hemingway  
Head of Civic, Democratic & Legal Services

Distribution:

To All Members of City of York Council

cc Corporate Leadership Group