

Guidance on Conduct of the Mayor, Deputy Mayor and Town Councillors for Town Council Elections, By-Elections and other Elections

1. Introduction

This guidance is intended to assist the Mayor, Deputy Mayor and Town Councillors in respect of any forthcoming elections or by-elections.

Some Town Councillors may be interested in these elections either as prospective candidates, or by providing support to prospective candidates. These individuals may therefore find this guidance useful to ensure their role as a potential candidate or supporter does not conflict with their duties as the Mayor, Deputy Mayor or Town Councillor.

Other Town Councillors may also be faced with situations where prospective candidates make statements with which they disagree, which threaten the reputation of the Town Council or which are factually incorrect. Town Councillors and officers will have received briefings in the past regarding local or national elections and the rules that underpin them advising that particular care needs to be taken in the period leading up to the election.

2. Mayoral Role

The role of Mayor as 'First Citizen' and the widely accepted idea of the Mayor representing all the people of the Town, supports the idea of political neutrality. For some, political neutrality may mean ceasing from committee work, attending party meetings and even canvassing either for themselves or others. The Mayor, whilst being Chair of the Council, is not the leader of the Council and does not, as such, have a role to play in political leadership of the Council. Therefore, it should be recognised that the Mayor of Faversham remain non-political throughout their tenureship and particularly during the pre-election period, between the notice of an election and the election itself [previously known as "purdah"].

3. Special rules relating to Officers

Officers at all levels should not engage in party political activity that compromises their neutrality and objectivity at work.

4. Principles relating to election lead-in period

At any time of the year, the Local Government Act 1986 prohibits councils from publishing material which appears to be designed to affect public support for a political party. The code of recommended practice on local authority publicity (issued under the 1986 Act) sets out additional requirements for periods of "heightened sensitivity". The relevant provisions are as follows:

- Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections. It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during the period to avoid breaching any legal restrictions.
- During the pre-election period between the notice of an election and the election itself [previously known as “purdah”], 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 directly involved in the election should not be published by local authorities during the period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names and parties of candidates at elections.

(i) The Town Council should continue to conduct its normal business.

(ii) Briefings for candidates should be even-handed, such as providing common information to all candidates. The key point is that contact with candidates must not favour one over another, as regards information or public profile.

(iii) Council facilities should not be used for electoral purposes (see paragraph 3 below).

(iv) Officers must avoid any action which is or might reasonably be perceived as being supportive of any party, candidate or opinion.

(v) Officers must avoid putting themselves in a position or situation which could be used by a party or candidate in support of their campaign.

(vi) It would be appropriate for the Town Council to respond when claims about Town Council matters involve the authority and are based on factually incorrect information or where it is necessary to correct misunderstandings that would seriously undermine confidence in the Town Council.

(vii) Town Councillors who are supporting candidates for any of these elections need to take care to ensure that, when they are acting as a Town Councillor, they do not use that role or activity to promote their candidature or to support a candidate. They need to have regard to this not only in respect to Town Council decisions but also in meetings with partners and during public engagement duties.

The timing of a publication is an important factor. The nearer the publication to the election, the more likely it is to be controversial and be perceived as designed to affect support for a particular party. Where possible, therefore, it is advisable to avoid publishing any controversial material near the elections.

Town Councillors and officers are advised to observe the following principles to ensure they do not breach any election rules now that the pre-election period [formally known as "purdah"] has formally begun:

- Town Council stationery (letterheads, envelopes, compliment slips)
- Telephones
- Transport
- Photocopiers
- Officer time
- IT equipment

- Buildings / Land
- Using Town Council supplied letterheads or compliment slips in sending out election material or as part of election campaigning.

5. Council Facilities

The Town Council's Code of Conduct for members prohibits them from using Town Council resources improperly for political purposes.

The effect of such a provision is that any services or facilities provided for members should be used exclusively for the purposes of council business or to enable the member concerned to discharge their function as a Councillor. This applies to all facilities, including: -

During the election period, no election candidate or person associated with a political party is entitled to use Town Council facilities for the purposes of electioneering other than as set out in paragraph 6 of this guidance. Town Councillors and officers need to take extra care to ensure that election candidates or other persons associated with political parties, who are not serving councillors, are not seen to have unauthorised access to Town Council offices or facilities.

Town Councillors should not use IT equipment for party political purposes. For example, Members sending messages to chat rooms or forums will need to consider whether to use their Town Councillor email address (e.g. @favershamtowncouncil.gov.uk) or a personal address. The former could be appropriate for simply sending information as a Town Councillor, and the latter will be appropriate if engaging in political debate.

By way of illustration, the following are examples of cases where the use of Town Council facilities would **NOT** be appropriate: -

- Including election messages, straplines or slogans in letters which are otherwise being legitimately sent (e.g. for information purposes) on Town Council supplied letterheads to local residents.
- Sending out election material using a Town Council email address.
- Using Town Council telephones, laptops or fax machines for canvassing.
- Using Town Council meeting rooms for electioneering purposes, subject to paragraph 6 of this guidance.

6. Use of emails

A Member's Town Council email address should not be used for political purposes, such as electioneering. It is recognised that a local resident may contact their Ward Town Councillor about an election issue, via that member's council email address. As long as the use of the Town Council email for political purposes was not initiated or promoted by the Member, it would be perfectly acceptable to reply to the email

although it may be political in nature. Town Councillors should not, however, initiate political discussions using a Town Council provided email facility. If the exchange becomes extensive, Members should consider using their own email.

7. Use of telephone

Town Council email addresses and telephone numbers are better avoided for any party-political literature. If Members wish to refer to the facility for the purposes of constituency work, it should be made clear that it is for Ward casework only and it is better kept in a discrete part of the document, for example in a box at the back saying, "If you want to Contact your Ward Councillors about Ward issues, you may contact them on...."

The Town Council's Code of Conduct prohibits members from using staff resources in support of political or personal ends, this would include using Town Council staff to research matters which they intend to use as part of their campaign.

Town Councillors should also take care before disclosing matters which are not in the public domain or where they have had access to the information solely as a member of the Town Council.

8. Use of Town Council premises during the election period

Between the Notice of Election being published and the day before the election, a candidate in the election is entitled to use Town Council meeting rooms for furtherance of his/her candidature. This includes committee rooms and rooms in schools in the candidate's electoral area. The use of these rooms is free of hire charge. The availability of Town Council meeting rooms will be subject to government guidance and the restrictions on public gatherings / meeting people that are in place at the time.

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