

**The Highland Council
Local Government By-Elections – Thursday 12 August 2021**

Guidance for Elected Members

1. A by-election for Ward 3 (Wick and East Caithness) and Ward 13 (Inverness West) will be held on Thursday 12 August 2021. The Returning Officer is Donna Manson, Chief Executive of The Highland Council.
2. The pre-election period is between the date of the publication of the notice of the elections on Thursday, 1 July 2021 and the date of polling on Thursday 12 August 2021, inclusive of both dates. The main significance of the pre-election period is in the need for heightened sensitivity to ensure that public resources are not used in any way that might prejudice or influence the result of the election.
3. During the pre-election period, there is no statutory restriction on the Council's decision-making, meetings or debate but members should not use these as opportunities to support campaigns nor use council premises or resources to promote any candidacy. There are specific rules that cover this period, which impact on the use of premises/resources by all candidates and publicity. The principles underlying the behaviour of councillors during this time are an extension of those that apply at all other times and are set out in the Councillors' Code of Conduct.
4. Staff have been given separate guidance, which includes advice to act in a politically neutral way; not to use or allow use of Council resources e.g. stationery/equipment/transport for party political or election campaign issues and not to display party political or election campaign material on Council premises or property.
5. This guidance to Members states: -
 - Do not use or allow the use of Council stationery/equipment/transport for party political or election issues;
 - Do not display party political or election/referendum campaign material on notice boards, in Council premises or in/on Council vehicles;
 - Do not publish any Council material or stage any Council events which appear to be designed to support any political party or candidate;
 - Do not involve staff or children/adults in our care in any election material or election publicity; However, a person aged over 16 who is looked after by the Council, has a right, as an elector and resident, to invite candidates and the media into their own room and, should they wish, be photographed or recorded.

Political neutrality

6. Staff are advised they must continue to carry out their duties in a politically neutral way, regardless of any personal political views they may hold.
7. If, in the course of their job, staff are asked to provide assistance with a matter which is party political or is designed to secure the election of any particular candidate, they are advised to politely decline and refer the matter to their Executive Chief Officer or Head of Service.

Use of Council resources

8. Members must not use Council resources for party political or election/referendum campaigning activity at any time. Resources include stationery, typing, printing, photocopying, telephones, faxes, postage, and use of computers, e-mail, transport and premises.
9. Candidates are entitled to hold public meetings in schools and other meeting rooms belonging to the Council. No charge will be made for the hire of the premises, but any costs incurred in keeping open buildings and providing refreshments will be recovered from the organisers.
10. Party political or campaign material should not be placed on notice boards, displayed in Council buildings or in/on Council vehicles.
11. The Council has a separately approved policy concerning the display of posters and other material on lampposts and on road verges. That policy is set out at [Annex 1](#).

Publicity

12. Local authorities are prohibited from publishing any material which appears to be designed to affect public support for a political party or any candidate. In the Highland context, this should also be applied to any independent candidate. Members should make every effort to ensure that publicity and events staged by the Council are not construed as being supportive of any political party or individual's election campaign.
13. In the pre-election period, photographs should be used carefully. The Council's logo must not be used in election campaign material and members should not use any photograph taken by the Council, in particular the head and shoulders photographs depicted on the web and Know Your Council booklet, in any publicity supporting their candidature, nor photographs containing council officers or premises.

Visits to Council premises by candidates' supporters

14. As the election approaches, prospective candidates may wish to be briefed by Council staff on specific issues or may wish to visit Council-run establishments such as schools, care homes or resource centres. Executive Chief Officers have been advised to make every effort to accommodate requests by candidates for briefings and visits provided that such visits are organised to avoid disruption to the operation of the establishment being visited.



15. Requests for ministerial visits (including Scottish and UK Ministers) will be accommodated as far as possible, but care will be taken to ensure that candidates are not included in the accompanying party although some candidates will be present in other roles. MSP and MP queries will continue to be dealt with as usual.
16. The Chief Executive and Executive Chief Officers should always be informed of any request for such briefings or visits.
17. Permission will not be given for staff or looked after children of the Council to be used in any election material or election publicity. However, a person aged over 16 who is looked after by the Council, has a right, as an elector and resident, to invite candidates and the media into their own room and, should they wish, be photographed or recorded.

What does this mean in practice: some examples.

Every decision needs to be judged on its own merits and the particular factors weighed in each case. These scenarios are offered as illustrations only

Scenario	Decision	Justification
Premises: A council service proposes to hold a public meeting in the pre-election period to discuss an urgent matter of particular concern to the community. It is likely to attract attention from local politicians. Should the meeting be postponed?	ALLOW	If the meeting can be postponed until after the election it should be. However if the matter is urgent, the normal business of Council should not be prevented despite the pre-election period having commenced.
Premises: A registered party standing for election requests an office room to be used for administration activities	ALLOW	The Council may allow political parties and/or candidates to use its premises as offices, where such facilities are provided on a first-come, first-served basis on normal commercial terms.
Visit to Council Premises: A candidate wants to visit a council facility.	ALLOW	As long as it does not prevent normal operation of the home and no media involvement
Visit to Council Premises: A registered party standing for election wants to use a Children's Home to film a Party Political Broadcast.	DO NOT ALLOW	Council resources are directly being used to facilitate promotion of one campaign
Posters: A particular party's poster is placed on a HLH Community Centre Notice Board.	DO NOT ALLOW	Notice boards would need to give equal space to posters for all parties and individual candidates standing in Scotland
Staff: In their own time an officer campaigns for a particular party, giving out leaflets or helping with admin.	ALLOW unless the post is POLITICALLY RESTRICTED	Assuming that the post is not politically restricted. If the post is politically restricted such activity is not permitted. These staff will then be barred from any election duties.

If you need clarification of any of the points raised above, please contact:-
Donna Manson, Chief Executive (01463 702974)



Annex 1:



Display of election posters on verges and lighting columns

The Returning Officer

Policy approved by The Highland Council on 16 December 2010
Policy confirmed by The Highland Council on 18 December 2014
Revised Contact details on 18 February 2016
Revised Contact details on 11 January 2021



The Council's general policy on the display of election posters was originally confirmed by The Highland Council at its meeting on 16 December 2010. The policy will be issued to each election Candidate and Election Agent.

The Policy applies only to roadside verges in the direct ownership of The Highland Council.

Road safety is of paramount concern. The Council will permit the display of election posters on roadside verges and lighting columns within the Council area in connection with any election but only subject to the following conditions:

- Before posters are erected, the Chairman or Secretary of the relevant party association (or candidate if there is no such association) must request permission by email only to CEX.support@highland.gov.uk, for the attention of the Executive Chief Officer Infrastructure and Environment, that the association (or, where appropriate, the candidate) agrees to indemnify the Council against any damages as a result of the display of election posters. Associations (and candidates) must ensure that they are in a position to meet any successful claims in these respects.
- Posters must not be erected prior to the date of announcement of an election.
- Posters must not in any circumstances be located upon the central reserve of dual carriageways, refuge islands in the centre of roadways, traffic signal posts, control boxes or upon roundabouts.
- Posters must be located at the rear of any verge provision and in any case no closer than 1.5 metres to the running surface of any carriageway.
- Posters must not be located so as to interfere with the visibility required for persons emerging from side roads or private accesses.
- Posters must be so mounted that the poster and mount will not afford any resistance or damage to a vehicle coming into contact with them.
- Posters attached to lighting columns must be first fixed to card of adequate stiffness which in turn must be tied with string to the road lighting column. The mounting height of the card must not be less than 2100 mm (7 ft) above the height of the adjoining footway.
- The area of any poster must not exceed 0.2 sq. m, and the maximum overall vertical or horizontal dimension must not exceed 500 mm.



- Posters, mounts and string must be removed within the 7 days following the election.
- For statutory reasons the Returning Officer cannot be involved in controlling the erection of election posters. Any questions or problems concerning this policy will be dealt with by the Executive Chief Officer Infrastructure and Environment.
- Except as stated above no permission is given for election posters to be displayed on any Council property.
- If candidates intend to erect Election Posters adjacent to a Trunk Road, please note that permission to erect posters should be sought from the company's representatives as follows:

BEAR Scotland Limited
BEAR House
Inveralmond Road
Perth PH1 3TW

Tel: 01738 448 600

Email: enquiries@bearsotland.co.uk

