

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

Pre-Election Guidance

A by-election for Ward 3 (Wick and East Caithness) and Ward 13 (Inverness West) will be held on Thursday 12 August 2021. The pre-election period commences from Thursday 1 July 2021.

1. Background

- 1.1 These guidance notes apply to all elections run by the Highland Council: local government, Scottish Parliament and UK Parliament, as well as by-elections. The guidance can also be applied to referendums. The Returning Officer is Donna Manson, Chief Executive.
- 1.2 The pre-election period is between the date of the publication of the notice of the election 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 Council resources are not used in any way that relates to party political issues or the election campaign.
- 1.3 The notice of election to be published on Thursday 1 July 2021 invites candidates to submit Nomination papers by 4 pm on Friday 9 July 2021. The notice will appear on the home page of the Council's web site: www.highland.gov.uk.

2. Headline guidance

- 2.1 The main points of guidance, which also applies to arms length companies, such as High Life Highland , are:
 - ▶ Always act in a politically neutral way;
 - ▶ Do not use or allow the use of Council stationery/equipment/transport or other resources for party political or election campaign issues;
 - ▶ Do not display party political or election campaign material 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 - ▶ Do not publish any Council material or stage any Council events which appear to be designed to support any one political party or candidate;

► **Staff as well as children in our care should not be used in any election material or election publicity;**

► **Respond positively to requests from candidates for briefings and visits where they can be accommodated without interfering with operational needs.**

3. Political neutrality

3.1 The Council is prohibited by Section 2 of the Local Government Act 1986 from publishing any material which appears to be designed to affect public support for a political party. Publicity is defined very widely and includes “any communication, in whatever form, addressed to the public at large or to a section of the public”. These obligations apply year-round. The Council also has duties to taxpayers prohibiting the use of public funds, resources and council offices, where the Council is not fulfilling its statutory duties.

3.2 You must carry out your duties in a politically neutral way, regardless of any personal political views you may hold. You should take care when posting on social media including in your personal capacity.

3.2 If, in the course of your job, you are asked to provide assistance with a matter which is party political or is designed to secure the election of any particular candidate, you should politely decline and refer the matter to your Executive Chief Officer.

4. Politically restricted posts

4.1 If you are in a politically-restricted post you are: -

► Disqualified from seeking election.

► Not allowed to act as an election agent or sub-agent for any candidate for election.

► Not allowed to be an officer of any political party or branch if the duties include party or branch management or acting on behalf of the party in dealings with people outside the party or its associated parties.

► Not permitted to become involved in a personal capacity in supporting the campaign of any candidate whilst they hold their post.

5. Non-politically restricted posts

5.1 Any member of staff not in a politically restricted post who wishes to stand for election to the Council no longer requires to resign from their post in order to stand. However, if a member of staff is successful in being elected, they are required to resign from their post immediately.

5.2 Staff who stand for election will require either to take annual leave or unpaid leave of absence to conduct any election campaign.



5.3 If a Council employee witnesses a nomination paper or any other election related document for a candidate to the Council or is otherwise involved in a personal capacity in supporting the campaign of any candidate for election to the Council, they should not become involved in assisting with the election process, conduct of the polls or the election counts.

6. Use of Council resources

6.1 You must not use Council resources for party political or election campaigning activity. Resources include stationery, typing, printing, photocopying, telephones, faxes, postage, use of computers, e-mail and transport.

7. Use of offices for public meetings

7.1 Candidates may use a school room or other meeting rooms in Council offices for a public meeting, within the candidate's ward. The let will be free of charge, but the Council will be reimbursed for staff time, heating, lighting and other utilities.

7.2 Candidates or their agents are required to give reasonable notice in booking a room and any booking should not interfere with existing arrangements such as prior bookings or school opening hours.

8. Visits to Council premises by candidates

8.1 As the election approaches, candidates may wish to visit Council premises to become more familiar with council facilities. The following procedure will apply in relation to these visits:-

8.2 The visit to any Council facility must be arranged in advance with the appropriate Executive Chief Officer and, through them, with the manager of the facility or establishment.

8.3 Visits must be of short duration, i.e. 1 – 2 hours.

8.4 Visits must not interfere with the efficient and proper running of the service or the facility, taking in to account the best interests of the residents/users at the facility.

8.5 An individual, who lives in a Council residential home or hostel 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.

8.6 If, during a visit, it becomes apparent to the manager of a facility that the visit is interfering with the running of the service, then the manager has the right to immediately terminate the visit.

8.7 It is important to take a fair and consistent approach by considering such visits on a council-wide basis. It is important that any visit is not used to signify favour for any party or candidate. All candidates within that ward should have the same or similar opportunities, at their request.



9. Use of Council premises for publicity

- 9.1 Should the media become involved in a visit, the procedure immediately below should be followed:-
- 9.2 If it is intended that the media be involved in a visit by a candidate this must be notified to the relevant Executive Chief Officer when the visit is being arranged. Permission will only be given for the media to visit the premises if the relevant Executive Chief Officer considers it reasonable in all the circumstances to do so.
- 9.3 In reaching their decision, the relevant Executive Chief Officer should consider if such opportunities are equally available to other candidates; any sensitivities around the particular venue and its users; and the possible staff resource implications. Whatever decision is reached, it should be applied equally to all parties and candidates.
- 9.4 If the media is involved in a visit, employees and clients must not be photographed, recorded or televised with candidates.
- 9.5 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.

10. Visits by politicians other than candidates

- 10.1 It may be permissible for a sitting politician (MP, MSP or MEP) who is not affected by a forthcoming election, to visit Council premises and seek publicity for this during a pre-election period for a Council election.
- 10.2 However, any candidates should not have a formal role at such events and Council staff should not facilitate any publicity involving them, e.g. interview requests or photo opportunities.

11. Party Political Broadcasts

- 11.1 Council premises should not be used for the filming of party political broadcasts.

12. Candidates' posters and other advertising

- 12.1 Party political or campaign material should not be displayed in Council buildings or in/on Council vehicles, Council owned / run websites and social network sites.
- 12.2 The Council has a separately approved policy concerning the display of posters and other material on lamp-posts and on road verges.



13. Surgery notices

13.1 Sitting MPs and MSPs may continue to display surgery notices in Council premises during the pre-election period provided the usual notice is being displayed.

14. Publicity

14.1 Publicity can cover news releases, publications, events, photos and videos. It also includes online and social media communications as well as 'traditional' publicity.

14.2 Public statements (reactive and proactive) may need to be made during the pre-election period. Great care should be taken to ensure that any content is clearly and directly relevant to the service or issue being discussed and reflects an agreed Council decision or policy. It must not be a general comment on the position or achievements of the sitting Council. If possible this should be carried out by the relevant member of the Senior Management Team rather than elected members during the pre-election period.

14.3 Council newspapers or newsletters should not be published during the pre-election period. However, routine publications advising on council services may be published during the pre-election period.

14.4 The main factors to take into account are:

- ▶ The content and style of the material in question.

- ▶ The time and circumstances of the publication.

- ▶ The likely effect of the material on those to whom it is directed.

- ▶ Whether the material promotes or opposes a point of view on a question of political controversy which is specifically identifiable as the view of one political party but not the other.

- ▶ Whether or not the material contains references to any political party or to any person identified with a political party.

- ▶ Where the material is part of a campaign, the effect that the campaign appears to be designed to achieve.

14.5 The key test is whether a particular act can be perceived as seeking to influence public opinion or to promote the public image of a particular candidate, or group of candidates (whether or not they are existing members).

14.6 If any member of staff is in any doubt he/she should contact one of the senior members of staff named at the end of this guidance.



15. Opening ceremonies or other events

- 15.1 Best practice suggests that official openings or events, whether or not specifically designed to attract publicity, should not take place during the pre-election period before a local government election. However, on the agreement of the Chief Executive, such events can be considered business as usual, particularly if they can be justified on the grounds of exceptional, unavoidable and/or unforeseen circumstances.
- 15.2 During other elections, it may be permissible for some events to take place. However, it would be better to avoid these and if they are to go ahead, to take great care to maintain political neutrality.

16. Media requests

- 16.1 In general, media requests for general filming or photo opportunities around elections should be treated as they would be normally. The only issue that would arise is if there is any question of the media outlet taking a particular stance that may be, or may perceived to be, in favour of one party or candidate.
- 16.2 Requests to organise or cover hustings events would normally be permissible on the basis that they are open to all relevant candidates. In the case of broadcasters, there are strict rules that apply to maintain political neutrality and councils should assume that the broadcaster concerned will meet its own obligations in this regard. Please contact the Corporate Communications Manager (01463 702020) if you have any queries.

17. Further information

- 17.1 If you need clarification of any of the points raised above, please contact:-

Donna Manson, Chief Executive (01463 702974)

Linda Johnstone, Elections Manager (01463 702930)

