

Quadrant East, Cobalt Business Park, North Tyneside, NE27 0BY



North Tyneside Council

Briefing note

To: The Mayor and all Members of the Council, the Chief Executive and all Heads of Service

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Police and Crime Commissioners Election Thursday 15 November - Guidance for Council Members and Employees

1. Introduction

- 1.1 The first Police and Crime Commissioners (PCC) election will be held in November and work is underway in preparation for them. As the Council operates in a political environment, activity arising from the Election will impact on the Council. This guidance is intended to assist Council Members and employees to deal with issues which may arise.
- 1.2 The PCC election is to take place on 15 November 2012 and the Notice of Election will be published no later than 8 October 2012. These events signal the beginning of the election period. It is particularly important to observe this guidance during this period until the end of the poll on Election Day.

2. General

- 2.1 The following are particular areas to note:

Publicity Rules

2.2 The Code of Recommended Practice for Local Government publicity requires that local government publicity should:

- i) Be lawful;
- ii) Be cost-effective;
- iii) Be objective;
- iv) Be even-handed;
- vi) Be appropriate;
- vii) Have regard to equality and diversity; and
- viii) Be issued with care during periods of heightened sensitivity.

The Council has to observe the Publicity Code relating to political publicity, and this is particularly important at Election time including the PCC election. The Council's activities can sometimes be perceived to be supportive or otherwise of candidates or parties, particularly where there are campaigns on particular topics. The rules in the Code aim to ensure that the public resources of the Council are not used to promote or give any political party, political campaign or candidate in the context of the PCC election an advantage. The rules apply to both Council Members and Officers.

2.3 This is a summary of the general rules about publicity:

- (a) The Council cannot at any time publish material which is designed to influence support for a political party;
- (b) Council Members should not at any time use Council resources for party political purposes;
- (c) The Council must consider carefully any publicity it sends out, and what its impact might be in accordance with the Publicity Code;
- (d) The Council's resources should not be used to produce leaflets or publications to promote any candidate or party.

The rules apply to Council publicity at all times.

Publicity Issues

2.4 Candidates for election to the office of the PCC will usually seek every opportunity for publicity for their activities. The Council's Communications Section can assist employees who are involved in matters affected by a campaign to deal with the media. They should be approached for advice if any situations arise (contact Jeanette Hedley, Senior Communications Officer, on Ext. 5077).

- 2.5 During the election period, which is a time of heightened sensitivity, the Council must not proactively publish any material which could be viewed as promoting a candidate or party in respect of the PCC election. Publishing includes all forms of publicity including websites, publicity leaflets and notices. No political posters or similar election material relevant to the PCC election should be displayed in any Council Office or building, on cars used by employees for official business or on cars parked in Council car parks.
- 2.6 Materials designed to raise awareness of Council policies and services which are already in existence are acceptable as normal forms of communication about the Council and its services. However, any material referring to an individual candidate standing in the PPC election, a political party or anything associated with party campaigns for the PCC should not be displayed during the Election period.
- 2.7 Sensitive or controversial issues will need careful handling during an election period, particularly if they touch upon any issues that may be associated with the views of a particular party or candidate in the context of the PCC election. The Monitoring Officer should be consulted on any publicity in relation to such issues (contact Vivienne Geary, Monitoring Officer, on Ext. 5339).

Use of Premises

- 2.8 Once an Election is called candidates are entitled to use publicly-funded schools and other public meeting rooms for election meetings free of hire charge. However, they can be asked to meet the cost of caretaking etc and a fair and consistent approach must be taken. More information on this is set out in Appendix A.
- 2.9 The Local Returning Officer has the right to use any school or other public meeting room provided or maintained at the public expense for election purposes.
- 2.10 Other than above, Council buildings and premises are Council resources and should not be used for election purposes or to promote or signify favour or support for any political party or candidate.

Visits and Functions

- 2.11 As part of their election campaign, candidates for the PCC election may wish to visit Council premises in the area, eg Children's Centres etc. Whilst visiting in itself is not prohibited, it is important that the visits should not be used as opportunities for the promotion of a political campaign and

accordingly photographs, press publicity etc during a visit should not be permitted.

- 2.12 Individual candidates should not be invited to speak or be guests at Council functions if it will be seen as an opportunity to promote their candidates or campaign.

Ongoing Council Business and Consultations

- 2.13 During any election period the Council must continue its business and continue to make decisions. The important thing is to make sure that the Council's "machinery" is not used for party political purposes or the purposes of promoting a candidate in the PCC election. Council meetings should not be a platform for promoting candidates or a party.
- 2.14 The Council is frequently involved in undertaking consultation on matters affecting the public. If consultation exercises are proposed during this period advice should be sought from the Monitoring Officer to ensure that these are not interpreted as engendering support for a particular campaign or candidate.

Responding to Freedom of Information requests

- 2.15 Services should continue to respond to Freedom of Information requests as usual in the period running up to an Election. If a service area has a particular issue with a request for information during this period the matter should be raised with the Information Governance team, who will seek advice and guidance from the Council's Monitoring Officer as required.

Vivienne M Geary
Head of Legal, Governance and Commercial Services

APPENDIX A

GUIDELINES ON THE USE OF ROOMS FOR ELECTION MEETINGS

1. The Returning Officer and candidates have special rights under the Representation of the People Act 1983 to use public rooms for the purpose of conducting Elections and Referendums and holding election/referendum meetings.
2. During the period between the calling of an election and the day preceding the date of poll, a candidate is entitled to hold a public meeting in furtherance of his candidature, at any reasonable time, free of charge, in any suitable room in any public school premises or meeting room. The school premises referred to are Council schools, voluntary and foundation schools situated in the constituency or an adjoining ward or constituency. However, the candidates may not use premises in the adjoining wards or constituencies if there is a suitable room in the premises of a school within their own ward or constituency which is reasonably accessible.
3. A candidate can also use any room, hall, gallery or gymnasium which is let for public meetings and which is maintained wholly or mainly out of public funds.
4. Where rooms are used in accordance with these rules, the cost of preparing, warming, lighting and cleaning the rooms used in preparation for the meeting, and for restoring the room to its usual condition after the meeting, can be charged to the candidate or the person taking the room on his/her behalf. Any "caretaking" charge must exclude a hiring fee. In addition, the candidate can be required to defray the cost of any damage done to the room or the premises during the period of occupation.
5. A candidate's rights do not authorise any interference in the hours during which the room in a school is used for educational purposes or any interference with the use of a meeting room being used by the occupier or under prior agreement for a letting for any other purpose. A Council cannot refuse to allow a particular candidate to use a room on the grounds of its disapproval of the candidate's views.
6. No person other than the candidate, his Election Agent or person authorised in writing by that Agent, can incur expenses in holding public meetings with a view to promoting the election candidate.
7. A public meeting is a meeting which is open to the general public and not restricted to ticket holders only.

8. Every Council is required to have available lists of rooms in school premises and elsewhere which candidates are entitled to use. This list should be kept by the Electoral Registration Officer for inspection by a candidate or his Election Agent at all reasonable hours.
9. Candidates are not permitted to use school premises as committee rooms to promote or procure the election of a candidate. The use of school premises is limited to use for public meetings only.