

Agenda

Standards and Ethics Committee

Wednesday, 30 April 2014, 10.00 am
County Hall, Worcester

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ਪੰਜਾਬੀ। ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮਸ਼ਹੂਨ ਸਮਝ ਨਹੀਂ ਸਕਦੇ ਅਤੇ ਕਿਸੇ ਅਜਿਹੇ ਵਿਅਕਤੀ ਤੱਕ ਪਹੁੰਚ ਨਹੀਂ ਹੈ, ਜੋ ਇਸਦਾ ਤੁਹਾਡੇ ਲਈ ਅਨੁਵਾਦ ਕਰ ਸਕੇ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਮਦਦ ਲਈ 01905 765765 'ਤੇ ਫ਼ੋਨ ਕਰੋ। (Punjabi)

DISCLOSING INTERESTS

There are now 2 types of interests:
'Disclosable pecuniary interests' and **'other disclosable interests'**

WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3rd party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

NB Your DPIs include the interests of your **spouse/partner** as well as you

WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days **and**
- **Declare** it where you have a DPI in a matter at a particular meeting
 - you must **not participate** and you **must withdraw**.

NB It is a criminal offence to participate in matters in which you have a DPI

WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:
You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests** **OR**
relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
 - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

Standards and Ethics Committee
Wednesday, 30 April 2014, 10.00 am, County Hall, Worcester

Membership: Mrs A T Hingley (Chairman), Mr S R Peters (Vice Chairman), Mr R C Adams, Mr J Baker, Ms P A Hill, Mr A P Miller, Dr K A Pollock, Mr D W Prodger, and Vacancy.

Independent Members (Non-voting): Dr M Mylechreest, Dr P Whiteman, and Vacancy

Agenda

Item No	Subject	Page No
1	Apologies and Named Substitutes	
2	Declarations of Interest	
3	Public Participation Members of the public wishing to take part should notify the Director of Resources in writing or by e-mail indicating both the nature and content of their proposed participation no later than 9.00am on the working day before the meeting (in this case 29 April 2014). Enquiries about this can be made through the telephone number/e-mail address listed below.	
4	Confirmation of Minutes (24 July 2013) (Previously circulated)	
5	Member conduct during meetings	1 - 4
6	Use of Social Media	5 - 14
7	Pre-Election periods	15 - 20

Agenda produced and published by Patrick Birch, Director of Resources, County Hall, Spetchley Road, Worcester WR5 2NP

To obtain further information or a copy of this agenda contact Simon Lewis, Committee Officer on 01905 766621, slewis@worcestershire.gov.uk

All the above reports and supporting information can be accessed via the Council's website at <http://www.worcestershire.gov.uk/cms/democratic-services/minutes-and-agenda.aspx>

Date of Issue: Thursday, 17 April 2014

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Standards and Ethics Committee
30 April 2014**5. MEMBER CONDUCT DURING MEETINGS****Recommendation**

1. The Head of Legal and Democratic Services recommends that the Committee:

(a) considers the conduct expected of Members during meetings; and

(b) considers whether any advice should be given to all Members to help them comply with the Code of Conduct.

Background Information

2. A Code of Conduct complaint has been received from a member of the public following reports in the media that County Councillor Mrs Oborski had allegedly played an electronic card game on an iPad during a Full Council meeting.

3. The Head of Legal and Democratic Services consulted the Chairman and Vice-Chairman of the Committee and decided that the complaint raised a matter of public concern which should be pursued. It was noted that there was limited specific guidance to members on the permissible use of electronic devices in meetings. It was thought more expedient to deal with the issue as a matter of principle rather than to instigate a formal investigation as to whether a particular Member was guilty or not guilty of breaching the Code.

4. Accordingly, it was agreed to pursue the issue through a public meeting of the full Committee to consider the issue as a whole and the principles involved, and give guidance as appropriate to all Members to help them understand the Code's requirements and how their actions might appear to observers.

Detailed Background

5. Members are clearly subject to the Members' Code of Conduct whilst attending meetings of the Council, Cabinet, Committees etc. The Code of Conduct is set out online in the Council's Constitution and all Members are aware of its provisions and the need to comply with them.

6. Paragraph 3(1) of the Code says:
"You must treat others with respect".

Paragraph 5 states that *"You must not conduct yourself in a manner which could reasonably be regarded as bringing*

your office or authority into disrepute."

Paragraph 6 (b) states members *"must, when using...the resources of, or under the control of, the authority:*

(i) act in accordance with the authority's reasonable requirements" .

7. Two of the prime roles of this Committee are to promote and maintain high standards of conduct by County Councillors, and assist Members to observe the Code of Conduct and relevant protocols in place from time to time. It is open to the Committee to issue general guidance to Members as part of this role. Such guidance would help Members ensure their proper conduct, and allow the public to understand the expectations of Members.

8. The Code provides general guidance on what is acceptable and unacceptable conduct but the Council has provided little express guidance to Councillors on specific behaviour such as the level of attention/courtesy to be paid during meetings. The closest guidance is the protocol on the use of social media (see later agenda item). This takes a balanced view and accepts that Members may wish to use social media (eg comments on Twitter or Facebook) during meetings as part of engaging democratically with the public, but exhorts Members to pay attention during decision-making debates.

9. Members may leave the Council Chamber for a variety of reasons during relatively lengthy Council meetings. It should be emphasized that for quasi-judicial meetings such as Planning and Regulatory Committee, and Appointments etc Panel, the Member is required to be present for the whole of the discussion before voting. It follows that Members are required to pay full attention to the proceedings of such quasi-judicial meetings to ensure the fairness of the process. With regard to other meetings, the law permits some more flexibility and it is possible that (as in Parliament) Members may not be present for the entirety of all agenda items. There are also some items (eg Formal Question Time in full Council) in which a particular Member may not be directly involved.

10. The Committee is asked to consider what is proper conduct for Members. Some questions are posed to assist debate in relation to non-quasi-judicial meetings:

- Should there be an expectation that Members will only leave the meeting room in exceptional circumstances, or should this expectation be limited to formal decision-making debates? Or should moving around during long meetings be encouraged for health reasons?
- Should a degree of flexibility continue to allow Members to engage in social media activities directly related to the

meeting, for the purposes of engaging the public with the Democratic process?

- Is it acceptable for Members to use electronic media (eg to research the internet or email) on occasion for matters relating to the meeting or item in question, or other Council business?
- Is it reasonable to expect that any such use of electronic media should not take place during a formal decision-making debate?
- Is it accepted that at no stage attending a formal meeting as a Member should a Member be playing electronic games?
- Would Members agree that it would be unacceptable for a Member to read a newspaper/ book/ magazine/ at any point whilst present at a meeting?
- Is there a distinction for Members attending merely as observers?

These are important issues of public perception (bearing in mind Members can seen on a webcast even if not speaking) as well as courtesy to the meeting and other Members, although there are some potential anomalies in being over-prescriptive.

11. It is important that the Council bears in mind that the actions of its Members can easily, even if inadvertently, bring the office of Councillor or the Council itself into disrepute. It is recommended therefore that the Committee considers carefully what conduct is to be expected of members during meetings and whether to issue guidance to all Members to secure compliance with the Code and public confidence in the Council and its Members.

Contact Points

County Council Contact Points

Worcester (01905) 763763, Kidderminster (01562) 822511 or Minicom: Worcester (01905) 766399

Specific Contact Points

Simon Mallinson, Head of Legal and Democratic Services (Extn 6670)

Email: smallinson@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) there are no background papers relating to the subject matter of this report.

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Standards and Ethics Committee
30 April 2014**6. USE OF SOCIAL MEDIA****Recommendation**

1. **The Head of Legal and Democratic Services recommends that the Committee consider whether there are any other matters they would wish to include in either the Protocol on the use of social media or Social media guidelines for Members.**

Background Information

2. At the meeting of the Committee on 24 July 2013, members received an update on the use of social media. The Head of Legal and Democratic Services circulated a copy of the Protocol on the use of Social Media in formal meetings to all councillors as requested at the meeting. The Protocol provides guidance to members of the public (including press) and Councillors on the use of social media in formal meetings of the County Council, its Committees and Cabinet. A copy of the protocol is attached as Appendix 1.

3. In support of the Protocol and to provide more general advice/guidance to members with regard to the use of social media, a social media guidelines document has been created for members and this is attached as Appendix 2. A summary of "dos and don'ts" is set out below:

Do:

- Ensure you comply with the Code of Conduct
- Remember that you are personally responsible for the content you publish on any form of social media
- Be aware of what you are retweeting – by retweeting you are endorsing this content
- Know when to take offline
- Ensure that you handle any personal or sensitive information in line with the Council's Data Protection Policies
- Be aware of what you are sharing and that this is appropriate for example with regards to data protection
- Be aware of Safeguarding issues, as Social Media sites are often misused by offenders. Safeguarding is everyone's business – if you have any concerns about other site users, you have a responsibility to report these to the safeguarding lead as soon as possible.

Don't:

- Encourage people to share personal details

publically – either ask them to contact you or message you privately and then keep their information secure.

4. Members are asked to consider whether there are any other matters with regard to the use of social media that they would wish to include in either the Protocol on the use of social media or the social media guidelines document.

Supporting Information

Appendix 1 – Protocol on the use of social media
Appendix 2 – Social media guidelines for Members April 2014

Contact Points

County Council Contact Points

Worcester (01905) 763763, Kidderminster (01562) 822511 or Minicom: Worcester (01905) 766399

Specific Contact Points

Simon Mallinson, Head of Legal and Democratic Services (Extn 6670)

Email: smallinson@worcestershire.gov.uk

Rachel Brown, Principal Marketing and Communications Officer (Extn 6641)

Email: rbrown2@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda papers and Minutes of the meeting of the Standards and Ethics Committee held on 24 July 2014

Protocol on the use of Social Media in Formal meetings

In recognising the ongoing developments in technology, this protocol provides guidance to members of the public (including press) and Councillors on the use of Social Media in formal meetings of Worcestershire County Council, its Committees and Cabinet.

'Social Media' includes the use of web-based technologies to share information and interact within online communities eg blogs, Twitter, Facebook and other platforms for interaction and networking.

Already many of the Council's public meetings are webcast live and an archiving facility is available to view the broadcasts of previous meetings. Whilst filming, videoing, photographing or recording the meeting remains prohibited [without the express consent of the chairman of the meeting], the Council is content to encourage public democracy through the use of Social Media as set out in this protocol.

- The use of Social Media in formal meetings, whether by Councillors, members of the public or press, is permitted as long as this (in the view of the Chairman) does not undermine or disrupt the meeting.
- To avoid undermining the meeting, the full attention of Councillors who are involved in the decision-making will be required during any formal debate or vote on any item under their consideration. These Councillors must not be distracted by using Social Media or any mobile devices during the time that the debate and vote is underway.
- To minimise disruption or disturbance to others attending the meeting, **all attendees** are asked to ensure that their phones or other mobile devices are set on silent or vibrate mode during meetings.
- These concessions do not apply following a motion to exclude the press and public from any part of a meeting. No Councillor in attendance, whether as a decision-maker or observer, is permitted to use Social Media or mobile devices during an 'exempt' session or disclose in any way the content of the items under discussion.
- Councillors need to be aware that inappropriate comments made during a meeting, would (almost definitely) fall within the remit of the Code of Conduct. Any inappropriate comments made using Social Media (e.g tweets or blog posts) could open councillors to potential complaints and investigations.

Simon Mallinson
Head of Legal and Democratic Services

Final SC/SPM October 2011

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Social media guidelines for members

April 2014

The following guidelines are taken from the Improvement & Development Agency (I&DeA) document entitled "Connected Councillors – a guide to using social media to support local leadership"¹. The full document can be found online here: http://socialmedia.21st.cc/wp-content/uploads/connected_councillors.pdf

Any form of communication is rife with the possibility of misunderstandings. Social media is perhaps no more or no less vulnerable to this, but there are some new ways to misfire with your message. Although the best use of social media is conversational in tone, publishing to the web is still publishing. What you've 'said' on the web is written down and it's permanent.

As you get started in social media and build your online profile, there are a few things to bear in mind. While there's no additional legal or ethical burden around using social media, the usual rules still apply and you need to think about them in this new context.

The following legal and ethical guidance applies to councillors in England:

Legal considerations

Victoria McNeill, head of legal at Norfolk County Council, provided her councillors with some pointers on avoiding possible legal pitfalls². The following is based on her advice, and while this list does not purport to be exhaustive it does highlight some of the more obvious issues. If you are in any doubt, speak to the County Council's Legal & Democratic Services team. Almost all of these pitfalls can be avoided if your online content is objective, balanced, informative and accurate.

In the main, councillors have the same legal duties online as anyone else, but failures to comply with the law may have more serious consequences. There are some additional duties around using their websites for electoral campaigning and extra care needs to be taken when writing on planning matters.

1. Libel

If you publish an untrue statement about a person which is damaging to their reputation they may take a libel action against you. This will also apply if you allow someone else to publish something libellous on your website if you know about it and don't take prompt action to remove it. A successful libel claim against you will result in an award of damages against you.

¹ Taken from 'Connected Councillors – A guide to using social media to support local leadership' I&DeA

² This section is adapted from CivicSurf's Legal Guidance for councillor blogs. Included here under Creative Commons attribution, non-commercial license.

2. Copyright

Placing images or text on your site from a copyrighted source (for example extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything you are unsure about, or seek permission in advance. Breach of copyright may result in an award of damages against you.

3. Data Protection

Avoid publishing the personal data of individuals unless you have their express written permission.

4. Bias and pre-determination

If you are involved in determining planning or licensing applications or other quasi-judicial decisions, avoid publishing anything on your blog that might suggest you don't have an open mind about a matter you may be involved in determining. If not, the decision runs the risk of being invalidated.

5. Obscene material

It goes without saying that you should avoid publishing anything in your blog that people would consider obscene. Publication of obscene material is a criminal offence.

6. Electoral periods

The Electoral Commission requires that candidates provide a return of expenditure on any form of advertising or campaign literature and that includes web advertising. And there are additional requirements, such as imprint standards for materials which can be downloaded from a website. Full guidance for candidates can be found at www.electoralcommission.org.uk

7. The council's legal position

Material published by a local authority as an organisation is, for obvious reasons, restricted in terms of content. It must not contain party political material and, in relation to other material, should not persuade the public to a particular view, promote the personal image of a particular councillor, promote an individual councillor's proposals, decisions or recommendations, or personalise issues. Nor should the council assist in the publication of any material that does any of the above.

Some councils take a strict line on this and do not provide links to councillor blogs or social media accounts from councillor profile pages. But many people (especially young people) prefer to communicate via social networks and so this is as valid a method of communication as an email address. This can have significant advantages in terms of transparency and the ability to answer frequently asked questions more efficiently through an open format. Bearing in mind, of course, the data protection requirements.

8. The Members' Code of Conduct

It's worth pointing out that councillors can have 'blurred identities'. This means you have a social media account where you comment both as a councillor and as an individual. For example a Facebook account where you've posted about a great night out (personal) and another time explained the council position on pothole repair

(councillor). It may be clear in your mind when you are posting in a private capacity or as a councillor, but it could be less clear to others.

Such blurred identities might for example have implications where your views are taken as those of your organisation or political party, rather than your personal opinion. So it's worth mentioning the need to get your on social media accounts/profiles clear, then you can be confident as to what you can and can't say while you are representing your organisation or party.

How you use your online identity will also determine how online content will be treated in respect of the Members' Code of Conduct. Councillors are expected to communicate politically. There is a difference between communicating on behalf of the council, for example blogging as an un-elected Mayor, or as a councillor or as a private citizen, and the former will be held to a higher standard than the latter.

The key to whether your online activity is subject to the Code of Conduct is whether you are giving the impression that you are acting as a councillor. And that stands whether you are in fact acting in an official capacity or simply giving the impression that you are doing so.

This may be less than clear if you have a private blog or a Facebook profile. There are a number of factors which will come into play which are more a question of judgment than a hard and fast line. For example, a Standards Committee may take into account how well known or high profile you are as a councillor, the privacy settings on your blog or social networking site, the content of the site itself and what you say on it. Most councillors are using their online profile to communicate with citizens about representing their local area so engaging the code, if necessary, should be a relatively straightforward decision.

Since the judgment of whether you are perceived to be acting as a councillor will be taken by someone else, it's safest to assume that any online activity can be linked to your official role. Unless you've gone to significant effort to keep an online persona completely separate from your councillor identity, you are unlikely to be able to claim that you were acting in a completely private capacity.

Aspects of the Members' Code of Conduct will apply to your online activity in the same way it does to other written or verbal communication you undertake. Members should comply with the general principles of the Code in what they publish and what they allow others to publish. You will need to be particularly aware of the following sections of the Code:

- Treat others with respect. Avoid personal attacks and disrespectful, rude or offensive comments.
- Comply with equality laws. Take care in publishing anything that might be considered sexist, racist, ageist, homophobic or anti-faith.
- Refrain from publishing anything you have received in confidence.
- Ensure you don't bring the council, or your councillor role, into disrepute

Members of the public (or other members or officers) may make a complaint about you if you contravene the Code of Conduct.

Standards for England, whilst no longer in existence, has prepared a very useful specific guidance to cover blogging and social networking and has already provided a quick guide to blogging at www.tinyurl.com/blogstandards

Just using good sense

Although these warnings may seem stark, they shouldn't put you off engaging online. Use your common sense. The things that can get you in hot water anywhere else are the same things to avoid in social media. Most councillors who are using social media engage with citizens in entirely constructive and often colourful fashions without ever engaging the Code of Conduct or running foul of the law.

Councillors, just like anyone, should also take due regard of internet security. Use secure passwords (generally over eight characters long and using a mix of letters and numbers) and never share your password with anyone. If you are using shared IT equipment, don't store your password on the computer.

There are few additional things to be aware to ensure you are well-respected online. For those new to the online world it can take a short time to get used to the culture of the web.

Avoiding gaffes and maintaining good 'netiquette'

- **Make your commenting policy clear**

You will need to take note of the comments that other people make on your site. It may be a fine line to tread, but if you allow offensive or disrespectful comments to stand on your site then it can put off other members of your community and you may even be called to account under the Code of Conduct. For blogs, the easiest way to handle this is to moderate comments and to state clearly on your site that you're doing so and reasons why comments may be rejected. For Facebook or other social networks, including multi-media sites like YouTube and Flickr where people can post public or semi-public messages to your profile, you will need to regularly check on messages (you can be notified by email) or, far less preferably, disable message posting.

- **Allow disagreement**

Some comments may be out of line, but on the other hand deleting the comments of people who disagree with you will backfire. You can't stop them from posting the same comment elsewhere, then linking back to your site and saying you are gagging those who disagree with you.

- **Think before you publish**

You can't un-ring that bell. Words can't be unspoken and even if you delete a hastily fired off blog post or tweet it will probably have already been read and will be indexed or duplicated in places on the web beyond your reach.

- **Beware the irony**

Few writers are able to communicate sarcasm or irony through short online messages. It's probably best to assume that you're one of those that can't.

- Don't be creepy

Some of the terminology in social media, like 'following' or 'friending', can imply an intimacy that's not really there. Both terms just mean you have linked your account to someone else so you can share information. Savvy internet users are used to this, but some people can feel a frisson of unease when their council, local police service or councillor begins following them on Twitter before establishing some sort of online relationship. Some councillors wait to be followed themselves first. Do make use of other communication functions that social media allows you. Twitter's 'list' function, for example, can help you to follow local people in a less direct way. And bloggers are almost invariably happy for you to link to them, so you don't need to ask first in this instance.

- Own up

Social media is transparent. The best bloggers admit mistakes rather than try to cover them up (which isn't possible online). Amending your text and acknowledging your mistake – perhaps by putting a line through the offending words and inserting a correction or providing an update section at the bottom of a blog post – shows you are not pretending it never happened, and is much better than just deleting it when dealing with online misfires.

- Avoid the trolls

You know that person who always shows up to area forums and asks the tricky but entirely irrelevant questions? That person has an equally difficult cousin who likes to go online. As you begin to use social media, you'll find some argumentative characters out there. Don't get bogged down. You don't have to respond to everything. Ignore if necessary.

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Standards and Ethics Committee
30 April 2014**7. PRE-ELECTION PERIODS****Recommendation**

1. **The Head of Legal and Democratic Services recommends that the Committee:**

- (a) notes the current guidance on conduct and activity during pre-election periods; and**
- (b) considers whether any further guidance should be given to Members.**

Background Information

2. The period leading up to elections is a time of heightened political sensitivity. The Council and its publicity must remain politically neutral, and should avoid inappropriately influencing the electoral processes.

3. There are specific prohibitions on the Council in the period between the Notice of Election being published and the election itself (traditionally called the 'purdah period'). These are contained in the 2011 Code of Recommended Practice on Publicity issued by the Secretary of State, which has the status of statutory guidance.

4. There are 3 specific prohibitions on the Council concerning publicity during its pre-election period:

- Not to publicise candidates
- Not to publicise controversial issues or report views/proposals so as to identify them with individual members or groups of members
- Not to issue publicity which seeks to influence voters.

Detailed Background

5. Further details are set out in the guidance note attached as an appendix (often called the 'traffic light guidance').

6. There is no requirement that the Council ceases to operate at all during the pre-election period, and this would be unrealistic. There have been Cabinet meetings during this period, but great care has to be taken over publicity to ensure as far as possible that no candidate or political party is given an unfair advantage 'on the rates'.

7. The situation becomes even more nuanced if it is other bodies which are holding elections (such as district, Parliamentary, European or Police and Crime Commissioner elections). The work of the County Council cannot come to a halt and there is some more flexibility – see paragraph 9 of

the Appendix.

8. Members will note the restrictions on candidates using Council resources for political advantage.

9. Although the guidance is aimed largely at officers to ensure the political neutrality of the Council, the Committee is asked whether there should be guidance aimed at members to help them preserve the neutrality of the Council.

Supporting Information

Appendix – Managing the pre-election period 2012/13

Contact Points

County Council Contact Points

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Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) there are no background papers relating to the subject matter of this report.

Title **MANAGING THE PRE-ELECTION PERIOD
2012-13**

Prepared by Simon Mallinson, Head of Legal and Democratic Services

- Purpose**
- To clarify constitutional issues ahead of the 2013 local elections in order to ensure the Council's political neutrality in the light of new guidance from the Secretary of State
 - To give guidance on what the Council should and should not do or permit.

Summary **Constitutional issues**

1. There is a clear benefit in protecting the Council, its schools and other establishments, staff and also elected members from allegations that the electoral process is being improperly influenced or political bias is being shown by the Council.

2. Fundamental principles are:

- **the County Council and its officers must be kept politically neutral**
- **the County Council must avoid inappropriately influencing the electoral processes and outcome and**
- **County Council-sponsored publicity must be non-political.**

Political Publicity

3. The County Council is legally prohibited from publishing any material at any time which even in part appears to be designed to **affect public support for a political party**. It cannot give financial or any other assistance to someone else to do so – such as Members or candidates.

Political visits to Council premises for the purpose of electioneering

4. Ahead of the local and national elections, national (including MPs, Prospective Parliamentary Candidates and MEPs) and local politicians and candidates may seek to use Council establishments for publicity visits, with or without prior arrangement. This raises dangers for both the Council and its elected members.

5. **Elected Members must not use Council resources, staff or venues for party political publicity purposes at any time.** This general legal restriction is particularly important during the period leading up to elections - but is not restricted to it. By extension, this restriction also applies to other politicians/candidates.

6. Premises maintained by the Council (such as schools, children's centres etc) should therefore not be used to promote individual politicians or their views **for party political advantage** at any time. This is particularly sensitive during the lead-in to elections.

Pre-election 'purdah' period

7. The period between the formal Notice of local elections (or announcement of a general election) and the election itself is sometimes known as the '**purdah**' period, and is particularly sensitive.

8. Strictly, the 'purdah' period and its rules apply directly to the County Council's *own* elections. However, particularly given the number of dual members, the general principles are valid for any election. The overarching principle **is to avoid the County Council appearing to influence improperly the democratic electoral process** - whilst at the same time, the normal business of the County Council must be allowed to continue.

9. There is **room for more flexibility in relation to District elections**. (For example, publicity for a County member attending a public event in one District whilst being a District candidate in another District would not generally be prohibited. However, arranging a similar event in the District where the member is a candidate in imminent elections would generally be prohibited in order to avoid appearing to give an advantage to that candidate and influencing the election). The Council must keep functioning and is important to **maintain 'business as usual' as far as possible**. However, to avoid conflict, it is generally advisable to avoid (as far as practicable) arranging publicity events involving candidates within their electoral area during any purdah period.

10. In compliance with the 2011 DCLG Code of Recommended Practice, during its 'purdah' period the Council:

- **should not publish publicity relating to individuals involved directly in the Council's election** unless expressly authorised by statute. (Factual information identifying names, Divisions and parties of candidates can be published).
- **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 group of members.**
- in general, **should not issue any publicity which seeks to influence voters.**

Use of premises

11. In order to ensure the Council is perceived to be strictly neutral and to protect staff *and* elected members, **Council premises (including maintained schools) must not be used for political electioneering purposes at any time**. (Even-handed cross-party 'Question-time' events or hustings, or visits not involving electioneering e.g. the local MP or relevant Minister visiting a school outside an election period, would not be a problem).

12. Putting this into practice, during the 3 month lead-in period to an election **Council premises should not in**

general host visits which involve publicity for local or national candidates (including MPs/PPCs) for election. **There may well be exceptions where the Council's interests are met by such visits** but these must be **expressly authorised** by a senior officer (CX, Directors or HLDS) if for legitimate Council purposes or publicity unconnected with electioneering, which will become even more limited once 'purdah' commences. The Council is a public body and its premises should not be used for electioneering photo opportunities for candidates or political parties. The overarching principle is that all candidates and parties must be treated even-handedly.

13. Members using Council premises or resources for electioneering may **breach their Code of Conduct** as well as the Constitution.

Summary

14. On receipt of a request for a visit, officers should keep these questions in mind - what is this visit actually for? Who benefits? Is it electioneering? Who is coming and why now? Is it a photo-opportunity for political reasons? What valid connection is there to the Council's apolitical functions?

15. A summary traffic-light chart is attached. This is a difficult and nuanced area - so in case of doubt, please do not hesitate to seek advice from me or the Chief Executive.

Simon Mallinson
Head of Legal and Democratic Services
February 2012 (vf)

Lead-in to Elections – Guidance 2012-13

Red Light

- Using Council venues/resources for party political publicity purposes. Members may not use Council resources, staff or venues to publicise themselves personally, candidates/potential candidates or their political parties **at any time**
- Visiting Council or school premises for party political or electioneering purposes. This prevents any publicised visit by potential candidates, MPs/PPCs during the 3 month lead-in to elections **unless expressly authorised** by a senior officer
- Using a member's position to give an electoral advantage to political parties/candidates
- During its own election 'purdah', the Council must not issue publicity on controversial issues or report views/proposals identifying them with individual members or groups.
- During its own election 'purdah', the Council should not issue any publicity which seeks to influence voters or give publicity relating to individuals directly involved in elections. This also applies to 'purdah' for other elections to the extent that the publicity may improperly influence the democratic process
- Doing anything which is likely to compromise the impartiality of Council staff
- Using member Council e-mail addresses as part of election literature
- Using member Council 'postcards' for electioneering purposes at any time - or using them at all during the Council's purdah period
- Supplying the Comms team with any quotes to be publicised but containing political messages
- Doing anything whereby the Council inappropriately influences any electoral process or outcome.

Amber Light

- 'Fact-finding' visits by Candidates/potential candidates to officers or premises *without* publicity. *(This is not improper but Candidates have no democratic mandate and the Council would not normally brief them at this stage. All must be treated impartially and beware the floodgate risk – can the time and therefore public money be afforded to deal equally with all candidates?)*
- Council-sponsored member newsletters in lead-in to election – cannot be used for electioneering purposes. Not to be used at all during purdah.

Green Light

- Ordinary business of the Council can continue
- Cabinet and other member bodies can continue to meet, even during purdah (though care still needed to comply with the publicity rules)
- Appropriate visits of MPs and councillors *once elected* (**NB – once Parliament is dissolved MPs lose their status**)
- Appropriate visits by members carrying out their elected or appointed role and not electioneering
- Cross-party debates organised eg by schools or libraries.