

# **ARTICLE 12 - PROTOCOL 'B'**

## **GREAT AYCLIFFE TOWN COUNCIL**



## **PROTOCOL ON THE USE OF COUNCIL FACILITIES AND RESOURCES BY COUNCILLORS AND PUBLICITY CODE**

April 2024 Update

# **Protocol on the Use of Council Facilities and Resources by Councillors**

## **1.0 Introduction**

- 1.1 The Council provides facilities and limited resources to assist Members in carrying out their duties as Councillors.
- 1.2 The approved Member's Code of Conduct under the Member Obligations section states that:-

*When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following specific obligations:*

*(g) Use the resources of the Council in accordance with its requirements.*

- 1.3 This Protocol explains the limitations placed on the use by Members of the Council's facilities and resources.

## **2.0 Use of Facilities and Resources**

- 2.1 Members may use Council facilities and resources for political purposes in connection with the following business:
  - a) Meetings with parishioners regarding Town Council business.
  - b) Meetings between political group members when discussing Town Council business or matters that affect the parish.
- 2.2 Please note that use of Council premises will be subject to the availability of the building and staff to open and close the building, and paid for at the full hire costs, if applicable.
- 2.3 A Member's or political group's use of Council facilities and resources must not extend to political parties more generally. Use of Council owned premises for purely party-political purposes (where such meetings are used to further the political aims and objectives of the party concerned) must be restricted to premises available to the public generally and paid for at the full hire costs.
- 2.4 The use by a Member of any Council facilities and/or resources for purely political purposes, including designing and distributing party political material produced for publicity purposes and support of any political party or group activity, elections and campaigning is likely to amount to a breach of the Member's Code of Conduct and is therefore not allowed.
- 2.5 The Council is prohibited from publishing any material of a party-political nature.

### **3.0 Publicity Code**

- 3.1 The Town Council is subject to the 2011 Code of Recommended Practice on Local Authority Publicity issued under the Local Government Act 1986.
- 3.2 The Code of Recommended Practice provides guidance on the content, style, distribution and cost of local authority publicity.
- 3.3 At all times, and not just in the pre-election period (see Purdah guidance), there is in law (applicable to Town and Parish Councils) an absolute prohibition of political publicity. The Council is under a duty not to publish any material which, in whole or in part, appears designed to affect support for a political party.
- 3.4 The words 'publicity' and 'publish' refer to any publication in whatever form, addressed to the public at large or to a section of it. The content and style of the material, the time and circumstances of its publication and its likely effect on those to whom it is directed will be relevant factors in determining whether material falls within the prohibition.
- 3.5 The Council may publish a magazine or newsletter. However, the recommended code confirms that Council should not publish on their website, newsletters or magazine matters which emulate commercial newspapers in content and style. The Code of Recommended Practice provides guidance on the content, style, distribution and costs of local authority publicity.
- 3.6 The Code provides that the publicity by a Council should be lawful, cost-effective, objective, even-handed, appropriate, have regard to equality and diversity, and be issued with care during periods of heightened sensitivity.
- 3.7 The recommended Code also provides that Council should not publish newsletters or similar communications more frequently than on a monthly basis.
- 3.8 Printed newsletters or similar communications published by the Council should clearly identify on the front page that they are published by the Council.

#### **4.0 Publicity during Periods of Heightened Sensitivity (Pre-Election Period, referred to as ‘Purdah’).**

- 4.1 The pre-election period, often referred to as the ‘Purdah’ period, is the time from the date the notice of the election is published, to polling day.
- 4.2 The Code provides guidance on publicity at sensitive times, such as during the Purdah period.
- 4.3 The following guidance is of particular relevance:

*The provisions of the Code of Recommended Practice on Local Authority Publicity 2011 apply to all town and parish councils.*

*During the run up to an election, the Code contains relevant provisions which you need to be aware of (see Code attached). This is often referred to as the ‘purdah’ period and will start six weeks prior to the election.*

***‘Elections, Referendums and Petitions.*** *The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identified them with individual councillors or groups of councillors. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries, provided that their answers are factual and not party political. Councillors holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the authority’s control. Proactive events arranged in this period should not involve councillors likely to be standing for election.’*

*During this period, no town or parish council should publish publicity relating to particular individuals involved directly in the election. Publicity refers to any communication, in whatever form, addressed to the public, or a section of the public, and could include news releases, newsletters, items on websites, advertising etc.*

***The Code of Recommended Practice seeks to ensure that council resources and facilities are not perceived by the public to have been used for election campaigning or political purposes during the purdah period and that the political impartiality of employees has also be maintained.***

The following points summarise the guidance for councillors and council employees:

### **Green Light: Acceptable Practice**

Usual business matters:

- Publicity with Council quotes from the Town Clerk only.
- Councillors can create their own individual non-political publicity.
- Councillors can attend events arranged by other organisation, but the same restrictions apply about quoting such events in any Council publicity.
- Decision-making will continue as usual, and the decisions will be publicised, subject to the restrictions about quotes.

### **Amber Light: Acceptable Practice; Proceed with Caution/Seek Prior Advice**

Quotations (direct/indirect):

- Councillors not involved in the election may make quotes or may be quoted if there are no political tones or references contained within the quotes.
- **Avoid proactively scheduling events attracting public and media interest. Events that are unavoidable should not publicise individual councillors or their respective political parties and policies.**

### **Red Light: Unacceptable Practice; Do Not Proceed**

- Councillors involved in the election will not be quoted in proactive news releases issued by the Council.
- **Councillors involved in the election should not attend any events organised by the Council that may attract significant numbers of members of the public, or media interest.**
- No election materials, political posters or leaflets must be displayed on any Council premises or property (including street furniture, notice boards, market stalls, website etc).