

THE PRE-ELECTION PERIOD

Prime minister Rishi Sunak has announced a general election on 4 July 2024 and, as with all elections, there are complex laws and regulations about the process and timetable to be followed.

Special rules apply to the period before an election takes place to ensure that public money is not used for party political advantage. The timing is not set in law, but the pre-election period started from 00.01 on Saturday 25 May 2024. The days between 25 May 2024 and 4 July 2024 inclusive are officially referred to as the “pre-election period of heightened sensitivity on local authority publicity”.



Some people may refer to the period as “Purdah”. This term is not politically correct and should not be used as it is derived from the Hindi word “parda” meaning “screen” or “veil” and refers to the practice of seclusion of women from public observation by means of concealing clothing (including the veil) and by the use of high-walled enclosures, screens, and curtains within the home.

The underlying regulatory framework for the pre-election period is the Code of Recommended Practice on Local Authority Publicity, which is issued by the Secretary of State under powers conferred on him under section 4(1) of the Local Government Act 1986 (‘the 1986 Act’). It applies to all local authorities, including parish and town councils. Publicity is defined in section 6(4) of the 1986 Act as “any communication, in whatever form, addressed to the public at large or a section of the public”.

The main objective of the pre-election period is to avoid favour to one political party or another. So, parish and town councils, which are constitutionally apolitical (even if party politics are present), can already rest more easily.

Essentially, local authorities must not “*publish any material which, in whole or in part, appears to be designed to affect public support for a political party*”. The primary restriction is on proactive publicity by a local authority which particularly relates to candidates and other politicians involved directly in the election.

So, what would be an example of something that would breach the pre-election rules? A good example might be a unitary council’s communications department organising a photo shoot for the Conservative Leader of the council to open a new sports centre in the area to go on the front cover of the council’s newsletter and web site. That might be deemed to be using the resources of the authority “*to affect public support for a political party*”.

A member council got in touch with us recently saying “*Obviously we can’t hold our meeting in June because of the pre-election period*”. This is incorrect. The pre-election rules do not apply to the ordinary business activities of the council. Nor do they restrict the perfectly acceptable (and useful!) dissemination of factual, objective information related to the election or to anything else. Furthermore, the rules apply to local authorities, not to individual councillors, who may issue publicity promoting themselves and their party (subject to the relevant rules on such material), as long as they do not use the resources of the local authority.

For parish and town councils the restrictions of the pre-election period for a general election are very, very light. Even for the larger town councils, it is not very likely that they would be producing publicity on matters which are politically controversial, making references to individual party candidates or parties in press releases, or arranging proactive media or events involving political candidates.

It would be wrong to say that parish and town councils do not need to worry about the pre-election period rules at all – the Publicity Code is a statutory instrument after all – but the rules were really designed to prevent a political party using the resources of a council it controlled to bolster its own election chances. They were not designed to stop a parish council publishing its June newsletter, or to stop a parish council inviting its ward councillor to its June meeting (both things that have been subjects of recent enquiries!). There is further information and guidance at www.northantscalc.com/elections, but if you are in any doubt about publicity or an activity that your council has planned for the pre-election period, please contact dmood@northantscalc.com for guidance - and reassurance!