MAY 2014 ELECTIONS TO THE EUROPEAN PARLIAMENT AND TO LOCAL AUTHORITIES IN ENGLAND AND NORTHERN IRELAND

GUIDANCE ON CONDUCT

1. On 22 May 2014, elections will be taking place for the European Parliament, and in many local authorities in England and Northern Ireland. There will also be elections for the directly elected Mayors of four London boroughs: Hackney, Lewisham, Newham and Tower Hamlets; and for the directly elected Mayor of Watford. Further details about the local authorities concerned are attached at **Annex A**. This note provides guidance to civil servants in UK Government departments, and the staff and members of non-departmental public bodies (NDPBs) and other arm's length bodies (ALBs) on their role and conduct during the forthcoming election campaigns. Separate conduct guidance has been circulated to Scottish Government and Welsh Government civil servants.

2. **The period of sensitivity preceding these elections is not fixed to any particular date, but the general convention is that particular care should be taken in the three weeks preceding the elections – in this case from 2 May 2014**.

3. These elections are different from a UK General Election. The UK Government will remain in office whatever the outcome of the elections. Ministers will continue to carry out their functions in the usual way. Civil servants will continue to support their Ministers in their work.

4. However, it needs to be borne in mind that the activities of the UK Government could have a bearing on the election campaigns. Particular care will need to be taken during this period to ensure that civil servants conduct themselves in accordance with the requirements of the *Civil Service Code.* Care also needs to be taken in relation to the announcement of UK Government decisions which could have a bearing on the elections. In particular, civil servants are under an obligation:

   - to ensure that public resources are not used for party political purposes; and

   - not to undertake any activity which could call into question their political impartiality. It is important to remember that this applies to on-line communication, for example using social media, in the same way as off-line activity.

General Principles

5. The following general principles should be observed by all civil servants, including special advisers:
   a) Particular care should be taken over official support, and the use of public resources, including publicity, for Ministerial or official announcements which could have a bearing on matters relevant to the elections. In some cases it may be better to defer an announcement until after the elections, but this would need to be balanced carefully against any implication that deferral could itself influence the political outcome – each case should be considered on its merits;
   b) care should also be taken in relation to proposed visits;
   c) special care should be taken in respect of paid publicity campaigns and to ensure that publicity is not open to the criticism that it is being undertaken for party political purposes;
   d) there should be even-handedness in meeting information requests from the different political parties and campaigning groups.
   e) officials should not be asked to provide new arguments for use in election campaign debates.

Handling of requests for information

6. There should be even handedness in meeting information requests from candidates from the different political parties. The aim should be to respond to requests from candidates and campaigners as soon as possible. This also applies to requests from Mayoral candidates.

7. Where it is clear that a candidate's request is an FOI request it must be handled in accordance with the Freedom of Information Act 2000. The Act requires public authorities to respond to requests promptly and in any event not later than 20 working days after the date of receipt. Where it is clear that it will not be possible to provide a quick response the candidate should be given the opportunity to refine the request if they wish so that it can be responded to more quickly.

8. Enquiries from the media should be handled by Departmental Press Officers.

Ministerial Visits

9. In this period, particular care should be taken in respect of proposed visits to areas holding elections. Official support must not be given to visits and events with a party political or campaigning purpose. In cases of doubt, further guidance should be sought from your Permanent Secretary's Office or the Propriety and Ethics Team in the Cabinet Office (see paragraph 25 below for contact details).

Announcements

10. Similarly, national announcements by the UK Government may have a particular impact on European issues, or on local areas, for example, the publication of policy statements which have a specific European or local dimension. Ministers will wish to be aware of the potential sensitivities in this regard and might decide, on advice, to postpone making certain announcements until after the elections. Obviously, such action needs to be balanced carefully against any implication that deferral itself could influence the political outcome. Each case should be considered on its merits. Again, in cases of doubt, further advice should be sought.

Public Consultations

11. Public consultations with a particular emphasis on European or local issues should generally not be launched during the period between 2 May and 22 May inclusive. If there are exceptional circumstances where launching a consultation is considered **essential** (for example, for safeguarding public health), advice should be sought from your Permanent Secretary's office and/or the Propriety and Ethics Team in the Cabinet Office. If a consultation is on-going during this period, it should continue as normal. However, departments should avoid taking action which will compete with candidates for the attention of the public. This effectively means not undertaking publicity or consultation events for those consultations that are still in progress, and which have a particular emphasis on European or local issues. During this period, departments may continue to receive and analyse responses.

Communication Activities

12. Government communicators should apply the principles set out above when planning and delivering communications activities which will take place during this period. Additional care

should therefore be taken around press and marketing activity concerning European or local issues.

13. It is also important to take care with official websites and use of social media which will be scrutinised closely by the news media and the political parties during the election period. In cases of doubt, guidance should be sought from the Government Communications Service Team at the Cabinet Office on 020 7276 2154 (e-mail: gcn.propriety@cabinet-office.gsi.gov.uk).

Use of Government Property

14. Government property should not be used by Ministers or candidates for electioneering purposes.

15. In the case of NHS property, decisions are for the relevant NHS body, but should visits be permitted to, for example, hospitals, it should be on the basis that there is no disruption to services and that the same facilities are available to all candidates. Care should also be taken to avoid any intrusion into the lives of individuals using the services. The decisions on the use of schools and other local authority properties should be for those legally responsible for the premises. Where it is decided to agree to such visits, the key principle is that the same facilities should be available to all candidates, and that there is no disruption to services.

Statistical and Social Research Activities

16. During the election period, statistical activities should continue to be conducted in accordance with the Code of Practice for Official Statistics and the Pre-release Access to Official Statistics Order 2008 (and/or the equivalent Orders made by the devolved administrations in relation to devolved statistics) which should be read as though it is part of that Code. Social research activities should be in accordance with the Government Social Research (GSR) Code and supplementary guidance, including the GSR Publication Guidance. Requests for information should be handled in accordance with the principles set out in paragraphs 6-8 of this note and with the Code of Practice for Official Statistics.

17. In cases of doubt you should consult your departmental Head of Profession for Statistics or your departmental Head of Profession for Social Research. Further advice can be sought from the National Statistician's Office on 01633 455528, and the Government Economic and Social Research Team on 020 7270 1166 or Konstantina.dimou@hmtreasury.gsi.gov.uk.

Political activities

18. Political activity connected with the European elections falls within the definition of **national** political activity. Political activity connected with local and Mayoral elections falls within the definition of **local** political activity.

19. Detailed guidance on the restrictions on civil servants' involvement in political activities is set out in section 4.4 of the *Civil Service Management Code* (http://www.civilservice.gov.uk/about/resources/civil-service-management-code) and in departmental staff handbooks.

Special advisers

20. The European elections are classed as national political activity and special advisers who wish to take part in the election campaign, or to help with these elections in a Party capacity, must first resign their appointment. Special advisers who resign in these circumstances will not be entitled to severance pay as their resignation is voluntary.

21. For the local and Mayoral elections**,** special advisers may undertake in their own time local political activity with the approval of their Minister and in accordance with the terms of the *Code of Conduct for Special Advisers*. Special advisers planning to help with the local and Mayoral elections should note that any help on campaigning must be done in their own time either outside office hours or while on leave from their departments.

22. Official resources must not be used in support of the elections.

23. Further guidance is set out in the *Code of Conduct for Special Advisers*. (https://www.gov.uk/government/publications/special-advisers-code-of-conduct)

Non-Departmental Public Bodies (NDPBs) and other Arm's Length Bodies (ALBs)

24. NDPBs and other ALBs spend public money, make public announcements, use Government property and may employ civil servants. This guidance therefore also applies to their activities. Sponsor departments should ensure that staff and members of their NDPBs and other ALBs are aware of it, and that the sponsor department is consulted in cases of doubt.

Further advice

25. In cases of doubt, in the first instance you should consult your Permanent Secretary's Office who may consult the Propriety and Ethics Team in the Cabinet Office at electionqueries@cabinet-office.gsi.gov.uk (Tel: 020 7276 3968/2472).

Cabinet Office

April 2014

Annex A

Local Council Elections in May 2014

Councils shown in **bold** are likely to hold whole council elections in 2014 to introduce changes to the number of councillors and the names and boundaries of wards)

There are 161 principal councils with elections in 2014 (93 shire/unitary district councils).

Shire (two-tier) district councils electing by thirds (67)

1. Amber Valley
2. Basildon
3. Basingstoke and Deane
4. Bassetlaw
5. Brentwood
6. Broxbourne
7. Burnley
8. Cambridge
9. Cannock Chase
10. Carlisle
11. Castle Point
12. Cherwell
13. Chorley
14. Colchester
15. Craven
16. Crawley
17. Daventry
18. Eastleigh
19. Elmbridge
20. Epping Forest
21. Exeter
22. Gloucester
23. Great Yarmouth
24. Harlow
25. Harrogate
26. Hart
27. Havant
28. Hertsmere
29. Huntingdonshire
30. Hyndburn
31. Ipswich
32. Lincoln
33. Maidstone
34. Mole Valley
35. Newcastle-under-Lyme
36. North Hertfordshire
37. Norwich
38. Pendle
39. Preston
40. Purbeck
41. Redditch
42. Reigate and Banstead
43. Rochford
44. Rossendale
45. Rugby
46. Runnymede
47. Rushmoor
48. St Albans
49. South Cambridgeshire
50. South Lakeland
51. Stevenage
52. Stratford-on-Avon
53. Stroud
54. Tamworth
55. Tandridge
56. Three Rivers
57. Tunbridge Wells
58. Watford
59. Welwyn Hatfield
60. West Lancashire
61. West Oxfordshire
62. Weymouth and Portland
63. Winchester
64. Woking
65. Worcester
66. Worthing
67. Wyre Forest

Unitary (single-tier) district councils electing by thirds (19)

1. Blackburn with Darwen
2. Bristol
3. Derby
4. Halton
5. Hartlepool
6. Hull
7. **Milton Keynes**
8. North East Lincolnshire
9. Peterborough
10. Plymouth
11. Portsmouth
12. Reading
13. **Slough**
14. Southampton
15. Southend on Sea
16. Swindon
17. Thurrock
18. Warrington
19. Wokingham

Shire (two-tier) district councils electing by halves (7)

1. Adur
2. Cheltenham
3. Fareham
4. Gosport
5. Hastings
6. Nuneaton and Bedworth
7. Oxford

Metropolitan district councils electing by thirds (36)

1. Barnsley
2. Birmingham
3. Bolton
4. Bradford
5. Bury
6. Calderdale
7. Coventry
8. Doncaster
9. Dudley
10. Gateshead
11. Kirklees
12. Knowsley
13. Leeds
14. Liverpool
15. Manchester
16. Newcastle Upon Tyne
17. North Tyneside
18. Oldham
19. Rochdale
20. Rotherham
21. Salford
22. Sandwell
23. Sefton
24. Sheffield
25. Solihull
26. South Tyneside
27. St Helens
28. Stockport
29. Sunderland
30. Tameside
31. Trafford
32. Wakefield
33. Walsall
34. Wigan
35. Wirral
36. Wolverhampton

London Boroughs electing by whole council (32)

1. Barking & Dagenham
2. Barnet
3. Bexley
4. Brent
5. Bromley
6. Camden
7. Croydon
8. Ealing
9. Enfield
10. Greenwich
11. Hackney
12. Hammersmith & Fulham
13. Haringey
14. Harrow
15. Havering
16. Hillingdon
17. Hounslow
18. Islington
19. Kensington & Chelsea
20. Kingston Upon Thames
21. Lambeth
22. Lewisham
23. Merton
24. Newham
25. Redbridge
26. Richmond Upon Thames
27. Southwark
28. Sutton
29. Tower Hamlets
30. Waltham Forest
31. Wandsworth
32. Westminster

London boroughs holding elections for the directly elected mayor

1. Hackney
2. Lewisham
3. Newham
4. Tower Hamlets

Shire (two-tier) district councils holding elections for the directly elected mayor

1. Watford

Northern Ireland

There will also be the first elections to the 11 new 'super councils' in Northern Ireland, following a reorganisation. These will operate in shadow form for one year, with the current 26 councils existing in parallel.

1. Antrim and Newtownabbey District Council
2. Armagh, Banbridge and Craigavon District Council
3. Belfast City Council
4. Causeway Coast and Glens District Council
5. Derry and Strabane District Council
6. Fermanagh and Omagh District Council
7. Lisburn and Castlereagh District Council
8. Mid and East Antrim District Council
9. Mid-Ulster District Council
10. Newry, Mourne and Down District Council
11. North Down and Ards District Council