



**Guidance to Council Employees and Elected Members
on Conduct during the forthcoming
Scottish Parliamentary Election
on Thursday 6 May 2021**

**This Guidance applies from
Monday 15 March 2021 to Thursday 6 May 2021**

Issued on behalf of Steve Grimmond , Chief Executive and Constituency Returning Officer

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1. Introduction from Steve Grimmond, Returning Officer



Dear colleagues

You are probably well aware that The Scottish Parliamentary Election will be held on Thursday 6 May 2021 but did you know that pre-election restrictions come into force on Monday 15 March 2021? And do you know what these election restrictions actually mean, and how they might impact you in your work?

It is my role, as Returning Officer, to make sure that this election is conducted fairly and in an open and transparent manner. As Council employees, we all have a duty to make sure we are acting in an impartial and non-political manner in our day to day jobs. As we enter pre-election restrictions this becomes even more important. We all have a part to play in making sure the election is run properly.

The aim of the pre-election period is to avoid active engagement on politically sensitive matters in the run up to an election. This needs to be balanced against the need to continue to deliver services as 'business as usual'.

We have produced this guidance to help you make sure that you are following the standards of conduct that are expected from you to maintain the integrity of the election. We have produced a set of FAQs to help, but if you have any further questions please don't hesitate to get in touch via the contacts given at the end of the document.

Covid-19 note

This year even our 'business as usual' is not very 'usual' due to the Covid-19 pandemic. Many of us are still working at home and will continue to do so through the pre-election period. We need to be especially aware during video meetings of what is on view in the background of our screens - particularly those which are webcast or recorded (such as Council or committee meetings). Employees especially need to make sure there is nothing which could imply a lack of political impartiality. Members need to ensure there is nothing which amounts to political publicity. Other specific Covid-19 related alterations to our normal guidance have been highlighted throughout this document.

Steve Grimmond
Chief Executive and Constituency Returning Officer

2. Duty of Council Employees To Be Politically Neutral

Key Points

- 2.1 The main significance of the pre-election period is a need for heightened sensitivity to ensure that public resources are not used in any way that might prejudice the result of an election. While there are some specific areas that require detailed advice, the essence of this guidance is:-
- The pre-election period to which this guidance relates runs from Monday 15 March 2021 to Thursday 6 May 2021.
 - Council staff must by law, act in a politically neutral way, at all times, when carrying out their Council role. However, there is often heightened sensitivity and scrutiny during the pre-election period.
 - Particular care needs to be taken to ensure that any events, publicity or other communications, even the background to video meetings, are politically neutral during the pre-election period.
 - Council facilities and resources must not be used in support of a political party or election candidate.
 - Unless otherwise stated, it should be assumed that normal Council business will continue. Scheduled committee and other meetings will continue to take place in the run up to polling day.
 - Unless otherwise covered by this guidance, staff should continue to respond positively to requests for information or advice from parties or candidates.
- 2.2 All Council employees have a duty at all times to carry out their everyday roles and responsibilities in a non-partisan and politically neutral manner. In a pre-election period, however, it is more important than ever that employees of the Council avoid acting in a manner that could be perceived as being politically partial.
- 2.3 If a Council employee is asked by a sitting Councillor, a candidate/agent in the election, or other person, to provide assistance with a matter which is clearly party political in nature (or which does not have a clear link with the work of the Council), they should politely refuse and inform the Councillor, candidate/agent or other person, that they are referring the matter to their line manager.



Staff - Political Activity

- 2.4 Staff in politically restricted posts should not undertake any political activity at any time.
- 2.5 Staff in posts that are not politically restricted may carry out political activity in their own time. However, if they are a witness for any election-related documents or otherwise personally involved in support for a particular party or candidate, by law they must not be involved with polling or counting duties.

3. Support to Councillors During the Pre-Election Period

- 3.1 The day to day activities of Councillors continue regardless of the election.
- 3.2 Members' Services will continue to provide Councillors with administrative support and other services during the pre-election period. These support services are provided to assist Members in the discharge of their role as Councillors and can only be used for Council business.
- 3.3 The services provided by Members' Services may not be used for campaigning activity (or for private purposes). Members' Services staff will politely refuse any request for assistance which may be deemed to be party political.
- 3.4 Public notification of Councillors' surgeries will continue to be given. The placing of a surgery notice on notice boards in Council buildings is therefore permissible provided that the usual notices are used. Party political or campaigning material, however, should not be placed on notice boards or displayed anywhere in Council buildings or on Council property.
- 3.5 Employees within services of the Council should continue to deal with Councillors as they would at any other time.

4. Use of Council Resources

- 4.1 Employees and Elected Members must at all times observe the Council's existing policies in respect of the proper use of Council resources.
- 4.2 Council resources must never be used by Council employees or Elected Members, or any other person, for party political/campaigning activity (or indeed for any private purposes), except under the specific circumstances detailed in paragraphs 4.5 – 4.8 below.
- 4.3 "Resources" include stationery, notice boards, typing facilities, printing facilities, photocopying facilities, telephones, faxes, e-mail/internet facilities, street-furniture, transport or premises. Council "premises" can include schools, offices, depots, stores, and care homes where access is generally controlled or limited.
- 4.4 Communications by Elected Members to their constituents come within the definition of publicity detailed earlier in this document, except where they are in response to issues raised by constituents themselves. To avoid any suggestion that actions may be motivated by the forthcoming elections, Elected Members should not issue communications to constituents in a form or style which they have not used before.

Use of Rooms in Halls and Schools

- 4.5 Under specific statutory provisions, candidates in an election may request to have the use of specified Council halls and rooms in schools free of charge for the purpose of holding election meetings. The Council is entitled however to be reimbursed for heating, lighting and other utilities, as well as for any damage caused to a room by the let.

4.6 The Head of Legal & Democratic Services maintains a list of those premises that candidates are entitled to use. Any enquiry from a candidate for the use of a hall or room in a school for the purpose of holding an election meeting should be directed to **Gillian Prestage, Democratic Services – gillian.prestage@fife.gov.uk Tel. 03451 555555 ext 442230**. Other premises owned by the Council which are not on this list but are normally available for let, can be let to candidates and parties for political events, providing the let is on full commercial terms which do not subsidise the let. This is subject to Covid-19 restrictions as detailed in 4.8.

4.7 If the Council is concerned that during a meeting on Council premises a candidate's words or actions might give rise to racist or other discriminatory incidents, incite racial/religious hatred or other criminal activity, then the police should be informed. Police Scotland may have the power to restrict the activities of the candidate and any followers but the local authority cannot prevent the meeting or refuse to provide the premises.

4.8 Due to the current COVID pandemic, there are legal restrictions on any gatherings taking place which involve more than two persons. Currently these stop any events, including public meetings from taking place. Should this change, this guidance will be updated. Scottish Government guidance on events, including a checklist of issues which must be considered when events can again take place can be viewed at:- <https://www.gov.scot/publications/coronavirus-covid-19-events-sector-guidance/>

4.9 In addition, the Electoral Commission has issued guidance to candidates in relation to campaigning during the pandemic, which can be viewed at :-

[Scottish Parliamentary elections | Electoral Commission](#)

Letting of Vacant Premises

Temporary or Occasional Lets of Halls and other Council Premises

4.10 It is possible that political parties or others may seek occasional lets of Council owned halls or other premises for purposes relating to the election. At all times, whether before, during or after the pre-election period the Council cannot provide assistance for political purposes. During the pre-election period there are stricter rules and the following applies:-

- Other premises owned by the Council which are not contained on the list mentioned in 4.6 but which are normally available for let, can be let to candidates and parties for political events, providing the let is on full commercial terms which do not subsidise the let.

- Due to the current Covid-19 pandemic, all relevant public health safeguards must be complied with when properties are being occupied or used.



- Hustings – it is anticipated that all hustings will be held remotely.

Use of Council Owned Street Furniture

- 4.11 The Council has a policy of not allowing candidates to affix or display campaign posters on lamp-posts, street furniture and other Council owned property. Accordingly, no campaign materials should be affixed or displayed on any property under the Council’s control. This includes any area adopted by the Council as Roads Authority and any street furniture thereon, whether installed by the Council or other bodies. Campaigning materials on telecommunications or power poles or apparatus or bus shelters or trees or other vegetation situated on road verges or other areas owned or adopted by the Council are not permitted. Campaigning materials are not permitted in parks, or in Council buildings, regardless of whether these are owned, leased or adopted by the Council. However, this prohibition does not apply to campaigning materials which Council tenants choose to put up on the windows of homes which they lease from the Council.
- 4.12 It should also be noted that the Trunk Road Authority do not permit campaigning materials to be affixed to trunk road verges, lamp-posts or any street furniture.
- 4.13 The fixing of campaigning materials to any part of the polling place i.e. walls, railings, etc., is not allowed.

5. Council Publicity

The Rules

- 5.1 The Council is prohibited by legislation (**The Local Government Act 1986**, (“the 1986 Act”)) from publishing any material which in whole or in part, appears to be designed to effect political support for a political party. The Act makes it clear that the timing and circumstances of publicity is a key factor in deciding if it is politically partial. Other factors which will be considered will include:-
- The content and style of the material.
 - The likely effect on those to whom it is directed.
 - Where the material promotes or opposes a view on a question of political controversy which is specifically identifiable as the view of one political party but not another.
 - References to political parties or persons identified with a political party.
 - When material is part of a campaign, the effect that the campaign is designed to achieve.
 - The extent to which any activity is ‘business as usual’ or where the timing might be beyond the reasonable control of the authority.

- 5.2 The key test is whether a particular act can be perceived as seeking to influence public opinion or to promote the public image of a particular candidate, or group of candidates.

Guidance on Council Publicity

- 5.3 Examples of the types of publicity generated by the Council where particular care needs to be taken are as follows:-

- Council publications including the website.
- Use of photographs of persons who are/will be candidates at forthcoming elections.
- On-line Council or committee meetings which are webcast or subsequently published by the Council – While it is acceptable for Elected Members to wear a small party badge (2cm diameter maximum) or lanyard to identify their membership of a party, they should not wear material (e.g. a rosette) or have in the background any material designed to promote a political party or a candidate or a group of candidates of the same party, or to reduce support for any party or its candidates. For the avoidance of doubt, having a Union Jack or Saltire in the background is not viewed as political publicity.
- Council events e.g. project launches, opening of buildings, or ground-breaking ceremonies.
- Use of Council social media sites to retweet, favourite, @mention, like and share any local / national politicians, people aligned to political parties or people whose avatars have a clear political bias such as party-political logos.
- Mailshots by services to sections of the local community, or each household in Fife, e.g. the Council tax leaflet. (Note – mailshots by Councillors to some or all of the residents in their ward using Council resources are not permissible.)



- 5.4 **At any time**, all such publicity must be designed so that it does not appear to persons outside the Council to be designed to promote a political party or a candidate or a group of candidates of the same party, or to reduce support for any party or its candidates.

- 5.5 **During the pre-election period from 15 March 2021 to 6 May 2021** the key principles are:-

- This does not mean that normal Council business cannot continue in the run up to polling day, but it does mean that references in Council publicity to Councillors, parties or persons who are or will be candidates must be carefully handled in a completely politically neutral way.
- No photographs of such candidates should appear in the publicity and any references to them should not contain wording, quotes or material that links them

to the forthcoming elections, or otherwise could appear to promote them as candidates at the subsequent elections.

- Public statements including press releases (reactive and proactive) may need to be made during a pre-election period. Great care should be taken to ensure that any content is clearly and directly relevant to the service or issue being discussed and reflects an agreed Council decision or policy.
- A local authority is also prohibited from giving assistance to third parties for the purposes of publishing political material. This includes arm's length external organisations (ALEO's), Trusts or independent bodies.

5.6 The key test is whether a particular act can be reasonably perceived as seeking to influence public opinion or to promote the public image of a particular candidate, or group of candidates.

Opening ceremonies or other events (including on-line events or meetings)

5.7 Subject to the agreement of the Chief Executive or the relevant Executive Director, such events can be allowed if they are business as usual, particularly if they are not political or can be justified on the grounds of exceptional, unavoidable and/or unforeseen circumstances. Such events should be organised in a politically even-handed way, e.g. including opposition representatives as well as from the political administration.

5.8 If a candidate is invited to attend a community group normally attended by Council Officers, the Council will not impede the visit in any way but will not facilitate or support the visit, either as officers or through making Council resources available. It is appreciated that some community groups (e.g. tenants and residents associations) which Council Officers attend or service, may invite candidates to speak at their meetings. It is important that officer attendance at these meetings does not imply a preference for a particular candidate or their party. Officers are accordingly requested not to share the same platform with the candidates, thus avoiding the inference that the officer is endorsing the candidate. Alternatively, the officer should request that all Council related issues are dealt with first and then politely leave before any political debate takes place.

Media requests

5.9 In general, media requests for general filming or photo opportunities around elections (whether in relation to booking accommodation, attending an event etc.) should be treated as they would be normally. The only issue that would arise is if there is any question of the media outlet taking a particular stance that may be, or may be perceived to be, in favour of one party or candidate. In those circumstances no assistance or support should be given to the media outlet. The possibility of Council staff or facilities featuring prominently in such opportunities should also be taken into account when considering such requests and avoided.

5.10 Requests to organise or cover hustings events would normally be permissible if they are open to all relevant candidates. In the case of broadcasters, there are strict rules

that apply to maintain political neutrality and Councils should assume that the broadcaster concerned will meet its own obligations in this regard.

6. Assistance to Candidates

- 6.1 The Council is prohibited by legislation (Schedule 2A of the Representation of the People Act 1983) from giving any assistance in cash or in kind to candidates for the purpose of meeting their election expenses.
- 6.2 The provision of free office accommodation or travel passes are examples of impermissible donations. It makes no difference whether the Council makes such facilities available to all candidates on an equal basis. This is because Schedule 2A of the 1983 Act allows only persons defined as “permissible donors” to give donations or assistance to candidates, and the Council is not listed in the Act as a permissible donor. The Council can provide office accommodation on a commercial basis to a political party in line with Council policy.
- 6.3 The Councillors’ Code of Conduct also provides in paragraph 3.16 that Council facilities must never be used for party political or campaigning purposes. “Council facilities” may involve access to secretarial assistance, stationery and equipment such as telephones, email, fax machines and computers.

7. Visits (including on-line or virtual visits) to Council Premises by Election Candidates

7.1 As the election approaches, declared candidates may wish to visit Council premises or meet, either in person or virtually/on-line with officers or service users e.g. to meet residents in residential homes, or to be seen within the area, or to become more familiar with Council facilities. The following procedure will apply in relation to these visits:-

- The visit to any Council facility must be arranged in advance with the relevant Executive Director or Head of Service and, through him or her, with the manager of the facility or establishment.
- Any physical visits cannot currently take place during the Covid-19 pandemic, and virtual or on-line alternatives should be used. Candidates are expected to comply with the Electoral Commission guidance in relation to campaigning during the pandemic.
- Visits must generally be of short duration i.e. 1-2 hours.
- Visits must not interfere with the efficient and proper running of the service or facility, taking into account the best interests of the residents/users at the facility.
- If, during a visit, it becomes apparent to the manager of a facility that the visit is interfering with the running of the service, then the manager has the right to terminate the visit immediately.

7.2 Consent should not be given if:-





- It appears that the visit is to be used for political publicity or for campaigning purposes.
- The visit will not comply with Covid-19 restrictions in place at the time, the premises cannot comply with required safeguards or there would be a health risk to those involved.
- There is a significant risk that the visit might be used to promote some sort of association or link between the candidate or their views and the event, Council officers or Council premises.

7.3 Consent should be given to the visit if:-

- The purpose of the visit is to learn about Council services or to meet Council officers or Members.
- There is no risk of the visit being used for publicity or campaigning purposes.
- The visit can be done by virtual or on-line means and complies with Covid-19 restrictions



7.4 In considering requests, officers should remain impartial regardless of which candidate or party is making the request.

7.5 If it is intended that the media be involved in a visit then this must be notified to the Executive Director or Head of Service when the visit is being arranged. Permission will only be given for media to visit the premises if the Executive Director or Head of Service considers that it is reasonable in all the circumstances to do so. This will be applied equally to all parties.

7.6 If the media is involved in a visit, employees of the Council should not be photographed/recorded/televised with prospective candidates. Similarly, filming, photography and recording of children will not be permitted within establishment grounds or premises without express parental consent, obtained in advance.

7.7 Any individual who lives in a Council home or hostel normally has a right as an elector to invite candidates and media into their own room to be photographed, recorded or televised with prospective candidates. However, this is not currently permitted during the Covid-19 pandemic, as such visits to a person's home do not fall within the permitted reasons for such a visit. On-line or virtual meetings are allowed.



7.8 The procedure set out above will not apply in relation to participation by election candidates – at the request of a headteacher – in curriculum related activities such as debates or mock hustings. Headteachers considering organising such an event should discuss this in advance with the Executive Director/Head of Service. All candidates who represent areas covered by the school's catchment must be given the opportunity to be represented at any mock hustings meeting. Otherwise it is not appropriate to allow only one candidate to meet pupils. Currently as a result of Covid-19 restrictions, it is unlikely that any such physical debates or hustings would be held in schools. If they were necessary, as part of the curriculum, priority would be given to an on-line meeting. If any physical meeting took place it would have to comply with



all Covid-19 related rules, including risk assessment, social distancing, hygiene measures etc.

7.9 Council premises should not be used for the filming of party political broadcasts.

8. Visits (including virtual or on-line visits) to Council Premises by Other Elected Representatives

8.1 It may be permissible for a sitting politician, who is not affected by a forthcoming election, to visit Council premises and seek publicity for this during a pre-election period. Such visits are to be discouraged but may be approved by the relevant Executive Director if there are exceptional individual circumstances, and subject to Covid-19 restrictions. However, no candidates standing in the election should have a formal role in such events, and no Council staff should facilitate any publicity involving them.

8.2 The key tests under the rules on Council publicity for determining whether any proposed visit should be allowed are:-



- Whether it is likely to give rise to references to a political party or persons identified with a political party.
- Any physical visits cannot currently take place during the Covid-19 pandemic, and virtual or on-line alternatives should be used.
- Whether the event is likely to generate publicity directed at the public or a section of the public and which promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another.
- Where the event is likely to appear to be part of a campaign, the effect which the campaign appears to be designed to achieve.

8.3 The first step is to assess whether the proposed visit would contravene any of those tests. To do so, it is essential to ascertain what the purpose of the visit is and who is initiating it, e.g. Council officers or the elected representative.

8.4 If the event would contravene any of those tests, it is likely that the conclusion will be that the visit should not take place. Before confirming to the proposed visitors that the visit should not take place, the relevant senior officer, e.g. Head of Service should be consulted along with the Head of Legal & Democratic Services.

8.5 If the visit would not contravene the statutory rules on Council publicity, the next step is to consider whether it would be appropriate for the proposed visit to take place in terms of any management rules or protocols in place regarding the delivery of service in the particular service area in question, e.g. whether the visit would disrupt normal business.

9. Requests for Information by Election Candidates

9.1 Candidates at elections may request information from Council employees to assist them in their campaign for election. Any such requests should be directed to the

appropriate Executive Director/Head of Service for consideration and a response. Subject to the provisions of the Freedom of Information (Scotland) Act 2002, whether or not the information is to be provided, will be determined by the Executive Director/Director/Head of Service concerned.

9.2 Issues to be taken into account in reaching a decision are:-

- Whether the amount of time or effort which it would take to provide the necessary information can be justified.
- Whether it is competent to release the information having regard to the provisions of Freedom of Information, Data Protection and other legislation.
- Whether the provision of the information could affect an employee's obligation to carry out their duties in a politically neutral way (e.g. if an officer, in providing information, is being asked to express an opinion on a matter of political controversy).

9.3 Where a candidate asks for information on behalf of a constituent, that information should be passed direct to the constituent, or the candidate should be asked to get the constituent to contact the appropriate employee direct. Assistance should not be provided directly to the candidate. If the candidate is a sitting elected representative (MP, MSP, or Councillor) and the information sought on behalf of a constituent is non-political and 'business as normal' then it may be provided in the normal manner to the candidate as the constituent's representative.

9.4 Executive Directors /Heads of Service will also decide whether information which is being made available to one candidate must be issued equally to all candidates.

10. Handling Postal Vote Applications and Postal Packs

10.1 Political parties, candidates and canvassers are required to adhere to the Electoral Commission's **Code of Conduct on the Handling of Postal Vote Applications and Postal Packs**. In so doing they are required to observe the following two key principles i.e.:-

- Candidates and supporters should assist in the efficient and secure administration of elections and uphold the secrecy of the ballot.
- No candidate or supporter should place themselves in a situation where their honesty or integrity – or that of their party or candidate – can be questioned.
- Candidates and agents should comply with the guidance issued by the Electoral Commission on handling of postal votes and more generally in relation to campaigning during the pandemic.



10.2 Council employees are asked to observe these same principles.

- 10.3 If a postal voter tries to hand a postal pack to any employee in a local office or other Council facility, they should be advised to either post or hand it in to Fife House, Glenrothes or, if there is insufficient time to do this in advance of the election day, take it to a polling station on the day of the election. **NEVER put a postal pack in the internal mail.**

11. Guidance Regarding Activities of Officers

Staff in Politically Restricted Posts

- 11.1 Some officers are in politically restricted posts as detailed in their contract of employment.

The activities which such post holders cannot undertake are:-

- Announce, or cause, authorise or permit anyone else to announce that they are, or intend to be a candidate for election as a member of the House of Commons, the Scottish Parliament or a local authority.
- Act as an election agent or sub-agent for a candidate for election to the House of Commons, the Scottish Parliament or a local authority.
- Be an officer of a political party or a committee or sub-committee member of a party or branch, if this entails involvement in the general management of, or acting on behalf of, the party or branch.
- Canvass on behalf of a political party or on behalf of a person who is or proposes to be a candidate for election.
- Speak to the public at large or to a section of it with the apparent intention of affecting public support for a political party.
- Publish any written or artistic work if it appears to be intended to affect public support for a political party, as opposed to, for example, displaying a poster on their private property or vehicle.

All Staff

- 11.2 The restrictions on the use of Council facilities for political purposes, and on the Council issuing political publicity, also apply to all officers.

Thus, officers should not:-

- Undertake any political activities during working hours.
- Use any Council facilities, including email, for political activities.
- Display any political material (i.e. referring to a party or regarding an issue identifiable with one party rather than another) during working hours, when dealing with members of the public while on Council duties or in any Council premises. This also includes video meetings. Everyone involved in such meetings should



consider what is on view in the background. Employees need to ensure there is nothing which could imply a lack of political impartiality. This is necessary because, in addition to the legal restrictions, many officers regularly meet members of the public.

- If they are a witness for any election-related documents or otherwise personally involved in support for a particular party or candidate, by law they must not be involved with polling or counting.

Working Relationships between Staff and Elected Members

- 11.3 Some employees may have a close working relationship with elected members. It is important that this close working relationship is not compromised in any way. If an employee is asked by an Elected Member to provide assistance with a matter which is clearly party political or which does not have a clear link with the work of the Council, they should politely refuse and inform the Elected Member that they are referring the matter to their line manager for guidance. This rule also applies if an Elected Member seeks assistance on behalf of a candidate in a particular election. This applies at any time, not just during the pre-election period.

12. Queries

- 12.1 Queries about this guidance should be directed to officers whose details appear below.

Contacts Name	Designation	Tel No	Email
Morag Ferguson	Head of Legal & Democratic Services	03451 555555 ext 442180	morag.ferguson@fife.gov.uk
Philip Blair	Solicitor	03451 555555 ext 442212	philip.blair@fife.gov.uk

Val Millar	Communications and Customer Insight Manager	03451 555555 ext 441098	val.millar@fife.gov.uk
Susie Cairney	Communications Officer	03451 555555 ext 442607	susie.cairney@fife.gov.uk
Room Bookings Gillian Prestage	Lead Officer – Electoral Services	03451 555555 ext 442230	gillian.prestage@fife.gov.uk

Frequently Asked Questions



The following are examples of issues which can arise. It must be remembered that the final advice will reflect the exact circumstances and these FAQs are given only to provide an indication of the type of issues which should be considered. They are not a substitute for specific, detailed advice.

1. How long do these restrictions apply for?

From Monday 15 March 2021 to Thursday 6 May 2021.

2. A Council service proposes to hold a public meeting in the pre-election period to discuss a matter of particular concern to the community. It is likely to attract interest from local politicians. Should the meeting be postponed?



During the Covid-19 pandemic, these would almost certainly be on-line meetings. Generally, where the subject matter of the meeting is controversial, it would not be appropriate to hold such a meeting in the pre-election period, nor immediately before it officially begins. Officers and Members are asked to be aware of the heightened political sensitivity during this period. If in doubt, the Chief Executive will decide whether the meeting can proceed.

In particular the following events and consultations which were either underway or planned prior to the election will still proceed as business as normal:-

- Council and committee meetings
- Locality Partnerships
- Statutory consultations that were underway prior to the pre-election period
- An ongoing consultation on any aspect of service provision

If an event goes ahead, it should be organised in a politically even-handed way, e.g. including opposition representatives as well as from the political administration.

3. A controversial item is on the agenda for a meeting of the Council or a committee which will be held during the pre-election period. Should consideration of the item be postponed until after the election?

As a general rule, the work of the Council will continue, and the item should be considered. However, the Chief Executive may consider there is too great a risk in considering an item prior to the election and it may be postponed as a result. The general rule should be in favour of business as usual, particularly where the item of business is urgent from a service delivery perspective.

4. A school has been approached by an elected representative who wishes to meet pupils and have a general discussion with them about topics of concern to them. Is it okay to allow the visit?



Maybe. Unless this forms part of the curriculum, during Covid-19 restrictions, this would have to be virtual or on-line, not a physical meeting. See sections 7 and 8 of this guidance.

You must show even-handedness towards all candidates. It would therefore be acceptable to invite all candidates to meet the pupils, for example, by holding a mock hustings meeting, but it would not be appropriate to allow only one candidate to meet the pupils. As long as all candidates who represent areas covered by the school's catchment have been given the opportunity to be represented, then the event can proceed.

5. Officers have been asked to attend an event to give advice on Council services. Is this okay?

The first issue is whether it would be appropriate for officers to attend in terms of the statutory rules on Council publicity. It would depend on the nature of the event, who was running it and when it was being held. If the event is associated with a particular political party and is being held during or immediately before the beginning of the pre-election period, then officers should not attend. If it is being held outwith this period, then a decision would have to be made on whether or not the event appears to be designed to affect public support for a political party. If so, then again officers should not attend.



Secondly, such physical events are currently prohibited under Covid-19 restrictions, as there are legal restrictions on any gatherings taking place which involve more than two persons. Currently these stop any events, including public meetings from taking place. Should this change, this guidance will be updated. There is also Electoral Commission guidance for candidates in relation to campaigning during the pandemic, which should be complied with. Finally, there is Scottish Government guidance on events, including a checklist of issues which must be considered when events can again take place. This can be viewed at:-

<https://www.gov.scot/publications/coronavirus-covid-19-events-sector-guidance/>

6. Is it okay for a campaigner to take photographs outside a Council office or facility?

The taking of photographs by campaigners, political party officials and other staff of any part of any Council building, should be discouraged, and not facilitated by Council staff. Campaigners and officials should be aware that photography in and around schools is strictly prohibited.

7. What do I do if a campaigner/political party refuses to accept my decision?

Contact the Head of Legal & Democratic Services, who can discuss the issues raised with the Chief Executive as appropriate and let you and the candidate/party know the outcome of these discussions.

- 8. A campaigner turns up to a school on an arranged visit as part of their campaign but there are media following them. Should they be allowed in?**

No. This is allowing a Council facility to be used for a party-political activity involving the media without arrangement and without the agreement of a senior Council officer.



It would also contravene Covid-19 restrictions and possibly amount to a criminal offence.

- 9. A public consultation meeting is scheduled during the pre-election period as part of the formal process for a new school. Can it go ahead?**

Yes. This is both normal business and there may be significant costs attached to any delay.

- 10. A campaigner or political party wants to use a Council-managed public space for their campaign launch. Should it be allowed?**

There is a convention that certain public spaces are used for campaign activity. It is generally acceptable for these to take place so long as the events are limited, e.g. around one hour and that there is equal opportunity for all parties or candidates to use them. The Council resource/effort in facilitating these should also be minimal, e.g. enabling access to a space.



Currently during the Covid-19 pandemic such events, if they involve more than two persons aged over 12, are not permitted.

- 11. The Council was intending to facilitate a debate on an important issue. Should it be cancelled?**



During the Covid-19 pandemic, this would almost certainly be an on-line debate.

The debate must be open to participation by all parties and campaigners, and it may be advisable to limit the media participation (e.g. reactive rather than proactive). With those caveats, it could go ahead, but thought would still need to be given to whether the issue at hand was likely to be particularly divisive along party lines.

- 12. An elected member wants to give their view on a matter debated at committee to the media. Is this allowed?**

Any Elected Member at any time is at liberty to do this. However, in doing so, they must not use Council facilities for party political or campaigning purposes.

- 13. A charity which receives funding from the Council has taken an advert in a political party's newsletter. Is this allowed?**

There are two relevant issues here: what is the Council's funding for (e.g. a general grant or for a specific purpose such as communications) and what is the advert for (e.g. notice of an event or self-promotion)? Generally, this is a low-risk activity so long as there is nothing overtly political about the organisation's activity or its advert and will be dependent on the organisation's grant conditions.

14. There is an event scheduled for the launch of a new service. Can Elected Members be invited? And what about other politicians?



During the Covid-19 pandemic, this would almost certainly be an on-line or virtual event as such physical events are prohibited. Unless these are business as normal, such events are generally inadvisable before the election, unless it is essential for the purposes of service delivery to have the launch during this period. If the launch goes ahead, it should be handled in a politically even-handed way, e.g. including opposition representatives as well as from the political administration.

15. We want to highlight a new initiative. Can the relevant Committee Convener be involved?

Assuming the initiative is not particularly politically divisive or controversial, and there are genuine reasons why it is taking place during the pre-election period, then it is probably okay to go ahead with some publicity. However, it would be advisable to promote the service through a service user or manager in any publicity.

If the relevant Committee Convener attends and then is photographed or interviewed by someone from the media without Council involvement, a Council officer cannot (and should not) intervene.

16. Are there any Council premises which candidates can book?

Certain halls are made available free of cost to candidates and a list of these is maintained by the Head of Legal & Democratic Services. Any enquiry from a candidate for the use of a hall or room in a school for the purpose of holding an election meeting should be directed to Gillian Prestage, whose contact details are given at the end of the guidance document.

The only charge which can be made is in respect of Council outlays, such as the cost of overtime for a caretaker, cost of heating or electricity etc. These halls must be made available equally to all candidates, albeit will be leased on a first come, first served basis.

If candidates wish to hire a hall not on this list they can do so providing this is done on normal commercial terms. In other words they are charged the same as any other tenant.



Due to the current Covid-19 pandemic, there are legal restrictions on any gatherings taking place which involve more than two persons. Currently these stop any events, including public meetings from taking place. Should this change, this guidance will be updated.

17. What if a candidate who has booked a hall wishes to film the event?

Any filming taking place in Council facilities needs to have prior permission from a senior officer. Anyone who will be filmed, either officers or members of the public, must give written consent for filming to take place. This is the responsibility of the organising or hosting service. The consent form can be found [here](#)

18. What if the candidate hiring the hall wants other facilities, such as WiFi etc?

This can be provided on normal commercial terms. In other words, it should not be provided for free.

19. What if the candidate wishes to advertise a forthcoming event in Council premises?

As long as the main purpose of the poster is to advertise the forthcoming event this is allowable. On the other hand, if the main purpose appears to be as political publicity or campaigning material then it is not allowable. If in any doubt contact the Head of Legal & Democratic Services.

20. What about support or assistance for election events where the organiser is impartial and not linked to any campaign?

For certain events such as hustings where all candidates are invited to speak and where the organiser is clearly impartial it is allowable for the Council to provide support and assistance. Otherwise they must be on commercial terms.

21. What if ministers, MPs or other politicians want to attend an event in Council premises and significant media presence is expected?

The Council venue should not be used to facilitate media coverage for such an event. This would not be permitted.

22. What if a sitting Councillor is a candidate?

The normal rules apply, as they would in a Council election when many sitting councillors would be candidates. A Councillor should not use Council resources or facilities for campaigning or party-political purposes. Similarly, the Council should not engage in political publicity which promotes that Councillor's party or their candidacy.

Particular care needs to be taken to ensure that any events, publicity or other communications involving a Councillor who is a candidate are politically neutral during the pre-election period.

When it comes to Council events and publicity involving such a Councillor it is important there is a political balance of Councillors (a balance of other candidates is not required as the Councillor in question is acting as Councillor, not candidate). However, it is equally important that any such Councillor is not excluded from normal Council 'business as usual'.

24. What do I do if a candidate or political party refuses to accept my decision?

Contact either the Head of Legal & Democratic Services or the Chief Executive to discuss the matter.