



REPORT OF:	CORPORATE SERVICES MANAGER
TO:	STANDARDS COMMITTEE
ON:	17th MARCH 2016

SUBJECT: 5th MAY ELECTIONS AND 23rd JUNE EUROPEAN REFERENDUM 2016 PRE-ELECTION RESTRICTED PERIOD

1. PURPOSE OF THE REPORT

To update the Committee regarding pre-election restrictions relating to the upcoming Lancashire Police and Crime Commissioner, Blackburn with Darwen Local, Darwen Town Council and Parish elections on 5th May 2016 and the European Referendum on 23rd June 2016

2. RECOMMENDATIONS

That the Committee agree the report.

3. RATIONALE

The role of the Standards Committee includes the ability to provide an assurance that elected Members receive apposite training, development and support to enable them to maintain high standards of accountability, conduct, decision making and governance by Councillors and co-opted members. The attached report outlines the governance arrangement once we enter the pre-election restricted period (commonly previously referred to as “purdah” and hereafter referred to as pre-election restricted period”) that affect both Officers and elected Members for the forthcoming elections and European referendum.

4. ELECTION RESTRICTED PERIOD AND GOVERNANCE

The pre-election restricted period in the United Kingdom refers to the time between an announced election and the final election results. The time period prevents central and local government from making announcements about any new or controversial government initiatives (such as modernisation initiatives or administrative and legislative changes) which could be seen to be advantageous to any candidates or parties in the forthcoming election. Where actual advantage to candidates is proven in law based on precedent cases to have been given this amounts to a breach of Section 2 of the Local Government Act 1986.

Local government elections

For local elections in England and Wales, the activities of local authorities in the pre-election period are governed by the Recommended code of practice for local authority publicity, Circular 01/2011, issued as part of the provisions of the Local Government Act

1986. For Local Government this means that guidance needs to be issued for both Officers and Members relating to activities during the period. Attached is the draft guidance (for approval) for the upcoming May 2016 elections.

European referendum

Statutory Instrument 2016 No. 219 Referendums Representation of the People came into on 26th February. It outlines The European Union Referendum (Conduct) Regulations 2016. The link to the whole document is provided here: http://www.legislation.gov.uk/ukxi/2016/219/pdfs/ukxi_20160219_en.pdf

The Association of Greater Manchester Authorities (AGMA) to which both Blackburn with Darwen and Blackpool are members, have produced a draft guidance document based on this legislation which is currently before the Chief Legal Officers Group for comment, amendment and subsequent approval. Following which it will be released for use in the upcoming European Referendum.

6. POLICY IMPLICATIONS

This Committee is responsible for promoting and maintaining high standards of conduct by councillors and co-opted members. In support of this role, Members should be offered access to apposite training and development opportunities – at its most basic – access to learn, develop or refine effective skills with which to do the job. As such it is entirely appropriate that elected Members are given advice and guidance on the pre-election restricted period.

7. FINANCIAL IMPLICATIONS

None – advice and guidance is given from a range of experienced officers within the local authority who are listed as contacts within the attached document.

8. LEGAL IMPLICATIONS

Training, development and awareness raising regarding the pre-election restricted period for existing elected Members, candidates agents and Party supporters goes some way to avoiding potential breaches, and the subsequent risk of legal interventions, however, as a voluntary Code, where non-compliance occurs it is dealt with by either the Monitoring Officer or the (Local) Returning Officer.

9. RESOURCE IMPLICATIONS

None

10. EQUALITY IMPLICATIONS

None.

11. CONSULTATIONS

None.

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Date: 9th March 2015