

# **PURDAH**

## **Definition**

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The word “Purdah” is the word in popular use to describe the period of time immediately before an election or a referendum when specific restrictions on communication activity are to be observed

## **The Code**

The main instrument governing Purdah is the Code of Recommended Practice on Local Authority Publicity published in 2011.

It should be noted that the Code and “Purdah” relates to publicity, and that it applies to Parish and Town Councils

The Code is based around seven principles to ensure that all communication activity

1. - is lawful: 2. - is cost effective: 3. - is objective: 4. - is appropriate: 5. - is even-handed: 6. - has regard to equality and diversity: 7. - is issued with care during periods of heightened sensitivity

## **What is a period of heightened sensitivity ?**

In the case of elections the period is not less than five weeks before the date of the election, in the case of a referendum there is a statutory period of 28 days.

## **Local Authority elections**

The Local Government Act 1986 (as amended in 1988,) essentially provides that the Council should “not publish any material which, in whole or in part, appears to be designed to affect public support for a political party”

This does not mean that all communication has to cease. The ordinary functions of councils should continue, but some restrictions do apply both to Councillors and employees of the Council

## **Publicity under the Code**

Publicity is defined as “any communication in whatever form, addressed to the public at large or to a section of the public”

Councillors can continue to tweet or blog during a period of Purdah, but must not use Council resources such as Council twitter accounts, email accounts, telephones etc.

The Council should not issue any publicity which seeks to influence voters (other than in situations specifically authorised by legislation or regulations directing publicity, e.g. that an election or referendum is to be held)

The Council may have to suspend hosting third party material, or close public forums, if these are likely to breach the Code

The Council should not publish any publicity on controversial issues or report views on proposals in

a way which identifies them with individual councillors or groups of councillors

The Council should not publish publicity relating to individuals involved in the election other than factual information which identifies the names, wards and parties of candidates at elections

### **The reasonable test**

In assessing whether publicity is permitted the question to be asked is " could a reasonable person conclude that you were spending public money to influence the outcome of the election"

Some items which would be deemed to influence an election are :-

- producing publicity on matters which are politically controversial
- making references to individual politicians or groups in press releases
- arrange proactive media or events involving candidates
- issue photographs which include candidates
- supply Council photographs or other materials to councillors or political staff unless it has been confirmed that they will not be used for campaigning purposes
- assist with political visits

Some items which would usually be permitted are :-

- Discharging normal Council business This could include dealing with controversial planning applications but considerable care needs to be taken in this regard especially if some candidates are standing on a platform opposing the application)
- publish **factual** information to counteract misleading, controversial, or extreme views
- using a person involved in the election in an emergency situation where there is a genuine need for a member level response to an important event beyond the control of the Council. In these circumstances however it is preferable to use a politically neutral person

### **Council business**

Whilst a complete shutdown of Council business is not required, there are circumstances where the Council should give serious consideration, against the reasonable test, to the continuation of business

For instance, whether to continue to produce material designed to support a local campaign. If a campaign is already running and is non-controversial and it is a waste of public money to cancel or postpone it, then it may be reasonable to allow it to continue.

If there is a statutory consultation this may well have to start or continue, but in general terms a new campaign which could be politically sensitive should not be started, nor any report findings published

Many Parish or Town Councils hold events fronted by the Chairman or Mayor at the beginning of May, frequently for charity. There are also other functions which the Chairman or Mayor is invited to attend. If the Chairman or Mayor is a non-political post and the Chairman or Mayor is not standing for election, it is appropriate for them to continue. However it may be inappropriate if the event could be associated with a particular political party.