

**The Highland Council
By-Elections – Thursday 13th June 2024**

Guidance for Elected Members

1. A by-election for Ward 7 (Tain and Easter Ross) will be held on Thursday 13th June 2024. The Returning Officer is Derek Brown.
2. The pre-election period is between the date of the publication of the notice of the election on Thursday 2nd May 2024 and the date of polling on Thursday 13th June 2024, inclusive of both dates. The main significance of the pre-election period is in the need for heightened sensitivity to ensure that public resources are not used in any way that might prejudice or influence the result of the election.
3. During the pre-election period, there is no statutory restriction on the Council's decision-making, meetings or debate but members should not use these as opportunities to support campaigns nor use council premises or resources to promote any candidacy. There are specific rules that cover this period, which impact on the use of premises/resources by all candidates and publicity. The principles underlying the behaviour of councillors during this time are an extension of those that apply at all other times and are set out in the Councillors' Code of Conduct.
4. Staff have been given separate guidance, which includes advice to act in a politically neutral way; not to use or allow use of Council resources e.g. stationery/equipment/transport for party political or election campaign issues and not to display party political or election campaign material on Council premises or property.
5. This guidance to Members states: -
 - Do not use or allow the use of Council stationery/equipment/transport for party political or election issues;
 - Do not display party political or election/referendum campaign material on notice boards, in Council premises or in/on Council vehicles;
 - Do not publish any Council material or stage any Council events which appear to be designed to support any political party or candidate;
 - Do not involve staff or children/adults in our care in any election material or election publicity; However, a person aged over 16 who is looked after by the Council, has a right, as an elector and resident, to invite candidates and the media into their own room and, should they wish, be photographed or recorded.

Political neutrality

6. Staff are advised they must continue to carry out their duties in a politically neutral way, regardless of any personal political views they may hold.
7. If, in the course of their job, staff are asked to provide assistance with a matter which is party political or is designed to secure the election of any particular candidate, they are advised to politely decline and refer the matter to their Assistant Chief Executive or Head of Service.

Use of Council resources

8. Members must not use Council resources for party political or election/referendum campaigning activity at any time. Resources include stationery, typing, printing, photocopying, telephones, faxes, postage, and use of computers, e-mail, transport and premises.
9. Candidates are entitled to hold public meetings in schools and other meeting rooms belonging to the Council. No charge will be made for the hire of the premises, but any costs incurred in keeping open buildings and providing refreshments will be recovered from the organisers.
10. Party political or campaign material should not be placed on notice boards, displayed in Council buildings or in/on Council vehicles.
11. The Council has a separately approved policy concerning the display of posters and other material on lampposts and on road verges. That policy is set out at [Annex 1](#).

Publicity

12. Local authorities are prohibited from publishing any material which appears to be designed to affect public support for a political party or any candidate. In the Highland context, this should also be applied to any independent candidate. Members should make every effort to ensure that publicity and events staged by the Council are not construed as being supportive of any political party or individual's election campaign.
13. In the pre-election period, photographs should be used carefully. The Council's logo must not be used in election campaign material and members should not use any photograph taken by the Council, in particular the head and shoulders photographs depicted on the web and Know Your Council booklet, in any publicity supporting their candidature, nor photographs containing council officers or premises.

Visits to Council premises by candidates' supporters

14. As the election approaches, prospective candidates may wish to be briefed by Council staff on specific issues or may wish to visit Council-run establishments such as schools, care homes or resource centres. The Assistant Chief Executives have been advised to make every effort to accommodate requests by candidates for briefings and visits provided that such visits are organised to avoid disruption to the operation of the establishment being visited.



15. Requests for ministerial visits (including Scottish and UK Ministers) will be accommodated as far as possible, but care will be taken to ensure that candidates are not included in the accompanying party although some candidates will be present in other roles. MSP and MP queries will continue to be dealt with as usual.
16. The Chief Executive and Assistant Chief Executives should always be informed of any request for such briefings or visits.
17. Permission will not be given for staff or looked after children of the Council to be used in any election material or election publicity. However, a person aged over 16 who is looked after by the Council, has a right, as an elector and resident, to invite candidates and the media into their own room and, should they wish, be photographed or recorded.

What does this mean in practice: some examples.

Every decision needs to be judged on its own merits and the particular factors weighed in each case. These scenarios are offered as illustrations only.

Scenario	Decision	Justification
Premises: A council service proposes to hold a public meeting in the pre-election period to discuss an urgent matter of particular concern to the community. It is likely to attract attention from local politicians. Should the meeting be postponed?	ALLOW	If the meeting can be postponed until after the election it should be. However, if the matter is urgent, the normal business of Council should not be prevented despite the pre-election period having commenced.
Premises: A registered party standing for election requests an office room to be used for administration activities	ALLOW	The Council may allow political parties and/or candidates to use its premises as offices, where such facilities are provided on a first-come, first-served basis on normal commercial terms.
Visit to Council Premises: A candidate wants to visit a council facility.	ALLOW	As long as it does not prevent normal operation of the home and no media involvement
Visit to Council Premises: A registered party standing for election wants to use a Children's Home to film a Party Political Broadcast.	DO NOT ALLOW	Council resources are directly being used to facilitate promotion of one campaign
Posters: A particular party's poster is placed on a HLH Community Centre Notice Board.	DO NOT ALLOW	Notice boards would need to give equal space to posters for all parties and individual candidates standing in Scotland
Staff: In their own time an officer campaigns for a particular party, giving out leaflets or helping with admin.	ALLOW unless the post is POLITICALLY RESTRICTED	Assuming that the post is not politically restricted. If the post is politically restricted such activity is not permitted. These staff will then be barred from any election duties.

If you need clarification of any of the points raised above, please email election@highland.gov.uk





Display of Election Posters Campaign Material within Property Owned, Adopted or Maintained by the Council

This policy applies to the following assets owned or maintained by The Highland Council:

- Roads (including footways, cycleways, verges and remote paths) either adopted by The Highland Council as the local Roads Authority or maintained by another Service such as Housing;
- Property owned, maintained or leased by The Highland Council such as parks, recreational areas, buildings, etc. (with the exclusion of homes leased by Council tenants).

This policy also applies to parks, open spaces, and Council buildings regardless of whether they are owned, leased, or adopted by The Highland Council. This policy does not apply to campaigning materials which Council housing tenants choose to put up in the windows of homes which they rent from the Council.

Road safety is of paramount concern. The Council will permit the display of election posters on roadside verges and lighting columns within the Council area in connection with any election but only if they comply with the conditions stipulated herein.

Prior to any posters being displayed, an email must be sent to CEX.support@highland.gov.uk, for the attention of the Assistant Chief Executive of Place to:

- Seek permission to display campaign election posters,
- Agrees to indemnify the Council against any damages as a result of the display of such election posters.
- The relevant Council department where material is displayed in breach of this policy shall remove it as soon as practicable and then recharge the election agent or independent candidate to recover the costs in doing so.
- Agrees that posters, mounts, string and cable ties are removed within the 7 days following the election.

The following conditions must be met:

- Campaign posters must not be displayed prior to the date of announcement of an election.

- In any circumstances must not be located upon the central reserve of dual carriageways, refuge islands in the center of roadways, traffic signal posts, control boxes or upon roundabouts.
- Be located not to interfere with the visibility required for persons emerging from side roads or private accesses.
- Posters must be located at the rear of any verge provision and in any case no closer than 1.5 metres to the running surface of any carriageway.
- Must be so mounted that the poster and mount will not afford any resistance or damage to a vehicle coming into contact with them.
- Posters attached to lighting columns must be first fixed to card of adequate stiffness which in turn must be tied with string or cable ties to the road lighting column. The mounting height of the card must not be less than 2100 mm (7 ft) above the height of the adjoining footway.
- The area of any poster must not exceed 0.2 sq. m, and the maximum overall vertical or horizontal dimension must not exceed 500 mm.

For statutory reasons the Returning Officer cannot be involved in controlling the display of election posters. Any questions or problems concerning this policy will be dealt with by the Assistant Chief Executive of Place via CEX.support@highland.gov.uk.

If candidates intend to display Election Posters adjacent to a Trunk Road, please note that permission to display posters should be sought from the company's representatives as follows:

BEAR Scotland Limited, BEAR House, Inveralmond Road, Perth PH1 3TW
Tel: 01738 448 600, Email: enquiries@bearsotland.co.uk

