



BELFAST CITY COUNCIL

ELECTION PROTOCOL

**GUIDANCE IN DEALING WITH ISSUES WHICH
MIGHT IMPACT ON THE ELECTION PROCESS**

**Approved by Council on
3rd February, 2014**

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1.0 Introduction

This protocol has been prepared primarily to provide guidance to Council Officers in dealing with issues relating to the functions and policies of the Council which might impact on the election process, particularly in the run-up periods to the various elections held in Northern Ireland. It sets out some general advice and principles to ensure that the impartiality and integrity of Council Officers is maintained during such periods when there is increased political sensitivity.

The protocol also provides useful information to Members of the Council, other elected representatives and prospective candidates for election in terms of the principles which the Council will observe in the run-up period to any election.

2.0 Types of Election

The three main types of election in Northern Ireland are;

- Local Council Elections
- Westminster Parliamentary Election
- Elections to the Northern Ireland Assembly

There is also potential for bye-elections in relation to vacancies which might occur at a Westminster level although the introduction of the Electoral Law Act (Northern Ireland) 1962 (Amendment) Order 2010 makes it most unlikely that bye-elections will be required for casual vacancies arising in the Council.

The guidance contained in this protocol relates to all of the elections mentioned above but it does not refer to the actual arrangements and procedures for the running of such elections.

The responsibility for running all elections in Northern Ireland rests with the Chief Electoral Officer for Northern Ireland and enquiries relating to the running of elections should be made to her or her Electoral Officers in Belfast as set out below:

Ms Virginia McVea, Chief Electoral Officer for Northern Ireland, St Anne's House, 15 Church Street, Belfast, BT1 1ER.

Telephone: 028 9044 6680
Email: bfs.info@eoni.org.uk

The Chief Executive is the Deputy Returning Officer for local elections in the Belfast City Council area and is responsible for making the arrangements for Council elections in Belfast.

3.0 General Principles

The guidance contained in this protocol relates to the main areas of Council activity which might impact on the election processes including the conduct of employees, the provision of support services to Members, the use of Council premises, publicity and the holding of public meetings.

However, it is recognised that because of the Council's diverse range of functions there may be other issues outside of these general areas of activity which might from time to time impact on the election processes. It is important therefore to set out some general principles which Council Officers should observe when conducting business during the run up period to any election.

The run up period is generally taken to be that period from the issuing of the notice of election to polling day at the election. The notice of election would generally be issued some three or four weeks in advance of election day but the Chief Executive's Department will issue to Departments the proposed date of publication of the notice of an election as soon as this is known.

The general principles which Council Officers should observe in relation to all activity during the run-up period to any election are:

- they should not undertake any activity which would call into question their political impartiality
- they should ensure that Council resources are not used for party political purposes
- they should not undertake any activities which could have a direct bearing on the election campaign

In relation to matters which are not specifically mentioned in this protocol and about which there may be uncertainty, Departments are advised to seek guidance from the Democratic Services Section.

4.0 Employees and Elections

There is specific legislation, together with rules and guidance, which relates to the participation of Council employees in political activities.

4.1 Disqualification

The Local Government Act (Northern Ireland) 1972, Section 4, provides that a person shall be disqualified for being elected or being a Councillor if he holds any paid office or other employment, appointments to which are made by a council if it is a prescribed office or employment. This means that a person employed as the Chief Executive, Chief Finance Officer or Scrutiny Officer of a Council cannot stand for election to the Council which employs them or any other Council. Any other officer cannot stand for election to the Council which employs them but may stand for election to another Council so long as their remuneration does not exceed spinal column point 32 on the NJC pay spine.

4.2 Political Neutrality

The Council's code of conduct for employees states:-

“Employees serve the Council as a whole. They must serve all councillors and not just those of a particular group and must ensure that the individual rights of all councillors are respected.

Employees may be required to advise political groups. In the provision of such advice employees should not compromise their political neutrality. Any advice given should be available to all political groups, if requested.

All Employees must follow all lawful policies of the Council and must not let their own personal or political opinions interfere with their work. While the Council recognises and respects the rights of all employees to hold personal or political opinions; employees should ensure that the expression of those opinions does not constitute a conflict of interest for their role within the Council. This does not compromise an officer's rights in relation to collective trade union representation engagement in lawful trade union activity.

Employees who have concerns about whether there is a potential conflict of interest should raise the matter with an appropriate manager.”

The requirements of the Code of Conduct

The requirements of the code of conduct in relation to political neutrality are clear and should be observed at all times by all employees but assume particular sensitivity in the run up to an election. The holding of public meetings and other events involving elected representatives, for example, needs careful consideration in such a period and this is dealt with separately elsewhere in the protocol.

5.0 Support Services to Elected Members

Belfast City Council provides a wide range of support services to its elected Members including the provision of party rooms, research and library services, the provision of personal computers and typing, photocopying and postal services. The support services provided to Members are to assist them in discharging their roles as Councillors and are not for use for political campaigning or private purposes.

On this basis the Council will continue to provide a full range of support services to Members in the run up period to elections.

6.0 Use of Council Premises

The Council owns and operates a wide range of properties within the City and the use of such properties for election purposes will depend on the conditions which apply to each property.

The Belfast Waterfront Hall, the Ulster Hall, Malone House and Belfast Castle all operate on a commercial basis and are used from time to time for party political meetings and events. The normal booking arrangements would apply to the use of these buildings for political purposes even in the run up period for an election. Other Council premises including the City Hall, Leisure and Recreation Centres and Community Centres would not be available for political purposes although there is a discretion for the Council to permit the use of the City Hall for an event involving a range of political parties which has the purpose of increasing voter interest and participation in the electoral process generally.

7.0 Publicity

7.1 Legislation: The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992 amended the Local Government Act (Northern Ireland) 1972 to provide for the prohibition of political publicity. The relevant insertion to the principal Act reads as follows:-

115A – “Publicity

(1) A council shall not publish any material which, in whole or in part, appears to be designed to affect public support for a political party.

(2) In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters.

- (a) whether the material refers to a political party or to persons identified with a political party or 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;
- (b) where the material is part of a campaign, the effect which the campaign appears to be designed to achieve
- (c) A Council shall not give financial or other assistance to a person for the publication of material which the council is prohibited by this section from publishing itself.”

7.2 Specific Requirements at Election Time

The run up period to any election is a particularly sensitive time in terms of Council publicity. The Council communicates regularly with the people of Belfast through responding to media enquiries, issuing press releases, holding press launches of major initiatives and publishing the Council’s newsletter.

It is important in the run up period to an election that any Council publicity issued could not be perceived as seeking to influence public opinion or to promote the public image of a particular candidate or group of candidates. The Council should also in this period, in its communication, avoid dealing with controversial issues or reporting views or proposals in a way that identifies them with individual members or groups of members. The Council should avoid where possible mentioning or quoting individual members in press releases.

This is not to say that all Council publicity should be stopped in the run up period to an election. It is appropriate for example that the Council should respond to the media in relation to legitimate service enquiries or to important events, such as a major emergencies. The media also have their protocols in place during election periods and the council will need to take that into account. The Lord Mayor will continue to carry out civic engagements and it will be a matter for the media whether they wish to cover these events or not. Depending on the nature of the issue, the usual policy of political primacy may have to be set aside and Directors or other senior staff members may be quoted if required. Council comment to the media will be factual in nature and will avoid issues of political controversy. If the council is unable to put up official political spokespersons, Members may wish to comment individually or as a spokesperson for their party on events in their own locality or of a city wide nature if approached by the media.

The council holds a range of photographs featuring elected members who request use of these from time to time in their election material. These can be provided if they feature only the politician in question and/or colleagues from the same party who are happy for the images to be used. However, images that also include elected representatives from different political parties cannot be used without their stated permission. Photographs that include members of council staff will not be provided and cannot appear in any election material at any time.

In relation to elections where the polling date is known in advance (such the Local Government Elections) Council Departments should avoid arranging major press launches or other such publicity events in the run up period to the elections.

Where the date of an election is not known in advance, and where it transpires that a major launch or other publicity event has been arranged during the run up period to the election, then the Department concerned should consider the postponement of the event until a later date.

8.0 Public Meetings

In the normal course of events, Chief Officers, Heads of Service and other Senior Officers will meet regularly with Members of the Council and other public representatives about a range of issues affecting their constituents. Where such meetings are about legitimate service issues then there is no reason why they should not continue even in the run up period to an election. Officers, however, should observe the general principle that there should be even-handedness in

considering requests for one-to-one meetings with members or other public representatives particularly during the run up period to an election.

Particular care needs to be exercised at election time in cases where a public representative wishes to bring a delegation of local people to a meeting with a Council Officer. Even though this may be a private meeting it may be perceived that one candidate at an election is being given an advantage over another candidate. It is suggested that unless such a request for a meeting relates to some urgent service delivery issue then the meeting should be delayed until after the completion of the election.

Officers should avoid participation in public meetings involving public representatives during the run up period to an election. Such meetings could involve representation from some political parties and not others and officers may also be asked to comment on sensitive political issues in a public forum. To avoid a situation where officers may be accused of promoting the views of one political party as opposed to another the general assumption should be that participation in public meetings is to be avoided during the run up period to an election.

However, the situation might arise whereby the Council has issued a policy document for consultation and the consultation period extends into the run up period to an election. If this consultation includes the holding of public meetings or meetings with particular interest groups, then the Council officers should firstly seek the authority of the appropriate Council Committee before proceeding and, if such authority is granted, ensure that **all** political groupings on the Council are afforded equality of opportunity to either attend or arrange such meetings.

9.0 Conclusion

This protocol is not likely to have covered all the many different situations which are liable to occur during the run up period to an election. However, the general principles set out in section 3.0 and the general thrust of the advice contained in the protocol can be applied to specific situations which arise.

If Departments are unclear about how they should act in any given situation then they should seek advice from the Democratic Services Section.

Updated 30 October 2019 – to take account of the revisions to the employees' code of conduct