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STANDARDS COMMITTEE

Day: Tuesday
Date: 4 April 2017
Time: 4.00 pm (BRIEFING FOR STANDARDS COMMITTEE MEMBERS ONLY AT 3.45 PM)
Place: Lesser Hall 2 - Dukinfield Town Hall

Item No.	AGENDA	Page No
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATIONS OF INTEREST To allow Members an opportunity to declare any personal or prejudicial interests they may have in any items on the agenda.	
3.	MINUTES To receive the Minutes of the Standards Committee held on 8 September 2015.	1 - 6
4.	CODE OF CONDUCT FOR CAMPAIGNERS: ELECTORAL REGISTRATION, POSTAL VOTING, PROXY VOTING AND POLLING STATIONS To consider the attached report of the Monitoring Officer.	7 - 22
5.	MAYORAL PROTOCOL To consider the attached report of the Monitoring Officer.	23 - 26
6.	DISCUSSION PERIOD FOR MEMBERS TO RAISE ISSUES (IF ANY)	
7.	REGISTER OF INTERESTS AND GIFTS AND HOSPITALITY The Register of Interests and Gifts and Hospitality will be available for inspection at the meeting.	
8.	URGENT ITEMS Urgent Business (if any): To give consideration to any other matters arising. To be accepted at the discretion of the Chair of the meeting.	
9.	DATES OF FUTURE MEETINGS To note that the dates of meetings for 2017/18 as follows: 5 September 2017 7 November 2017 3 April 2018	

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Linda Walker, Senior Democratic Services Officer, on 0161 342 2798 or by emailing linda.walker@tameside.gov.uk, to whom any apologies for absence should be notified.

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STANDARDS COMMITTEE

8 September 2015

Commenced: 4.00 pm

Terminated: 5.10 pm

Present: Mrs Valerie Bracken (Chair)

Councillors M Smith and J Lane, Town Councillor D Aylett and Mrs J Barnes

Also in attendance: Sandra Stewart, Executive Director, Governance and Resources (Monitoring Officer)

Apologies for absence: Councillors Bell, Kitchen and S Quinn and the Chief Executive

1. CHAIR'S OPENING REMARKS

The Chair welcomed Town Councillor Dean Aylett, Mossley Parish Council representative, to this his first meeting of the Standards Committee.

2. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by members of the Standards Committee.

3. MINUTES

The Minutes of the proceedings of the Standards Committee held on 17 March 2015 were taken as read and signed by the Chair as a correct record.

In relation to Minute 21 – Code of Conduct for Campaigners: Electoral Registration, Postal Voting, Proxy Voting and Polling Stations – the Executive Director (Governance and Resources) was pleased to advise that all candidates and agents had signed up to and complied with the Code of Conduct to ensure the ethical governance relating to the process was maintained at the Parliamentary, Local and Parish Elections held on Thursday 7 May 2015 and no complaints had been received. The Chair added her thanks to candidates and agents for complying with the Code of Conduct during the elections.

Reference was also made to guidance issued asking those involved in campaign activity to adhere to general principles around the use of social media. It was recognised that the use of social media was a powerful tool for encouraging voter participation and communicating quickly and directly with electors. It presented both opportunities and challenges and particular care had to be taken to ensure the requirements of electoral law were met.

4. ETHICAL INDUCTIONS ARE A GOOD WAY TO START

The Executive Director (Governance and Resources) introduced her report explaining that the new Parliamentary term began with 177 first-time MPs taking up their seats in Westminster and as new public office holders officially signed up to the Seven Principles of Public Life. The Committee on Standards in Public Life stated that their research confirmed that these principles represented the public's expectation of the standards of behaviour of those who served them. Last year, the Committee on Standards in Public Life reported on the fact that Parliament was behind the curve in

terms of ethical induction and called for this to be addressed. The challenge was to heighten awareness of the ethical principles, and to do so across the political system and this required a degree of cross-party commitment.

Tameside's newly elected Councillors had undertaken an induction programme including being advised on standards and ethics. All elected Councillors received an email copy of the IDeA's Councillors Guide (**Appendix A**) published, April 2015. The IDeA, owned by the LGA (Local Government Association), was the lead on local government improvement. The new edition of the 'Councillor's Guide', which has been revised and updated to reflect the latest legislation and thinking concerning local government in England, provided information on:

- being a councillor;
- civic life;
- community leadership; and
- useful contacts.

The Guide had been provided at Tameside to all new members on induction and was also being used as an induction tool for new employees as a useful resource for understanding the legislative and political framework within which local government operated.

The Committee was pleased to note that all newly elected members had received ethical framework training and had asked questions about registering their interests correctly and appropriately. The 100% turnout for the sessions was also very positive.

RESOLVED

That the content of the report be noted and that all newly elected members had received ethical framework training.

5. GOVERNANCE TOOLKIT FOR MOSSLEY TOWN COUNCIL

The Monitoring Officer introduced a report presenting and summarising two documents on guidance provided to the Clerk and the new Mossley Town Parish Council following the elections on 7 May 2015.

Nationally, principal local authorities continued to receive comments and concerns about activity of parish councils in their areas. Accordingly, the Council had taken steps to support the Clerk to the Parish Council by providing advice and a copy of the National Association of Local Councils, the Society of Local Council Clerks publication which is an important guide for parish councillors together with guidance on governance and accountability to share with the Town Councillor to ensure they properly understood their role and the ethical framework within which they operated.

Standards Committee Members also noted the contents of a second document, designed primarily as an aide memoire for Parish and Town Council Clerks to help ensure good governance. It provided helpful and useful advice that equally applied to a Metropolitan Council.

RESOLVED

That the guidance received by the Mossley Town Council for the new Parish Council elected for 5 years on 7 May 2015 to ensure that Town Councillors were kept up to date with the standards and ethical framework agenda be noted.

6. CHARITY COMMISSION – NEW GUIDANCE ON TRUSTEES RESPONSIBILITIES

Consideration was given to a report of the Executive Director (Governance and Resources) explaining that the Charity Commission had consulted on a new draft version of their guidance last autumn, and whilst most people who responded said they found it helpful and preferred it to the previous version, a significant minority felt it needed a more supportive tone. The Commission had

listened to this feedback and felt it achieved the right balance in making it clearer to trustees what the law expected of them. Being a trustee was a serious responsibility, and many of the Council's elected members as community leaders took on this role either on behalf of the Council or to support their local communities. The updated 'Essential trustee' broke down the trustee's role into 6 clear duties:

- ensure your charity is carrying out its purposes for the public benefit;
- comply with your charity's governing document and the law;
- act in your charity's best interests;
- manage your charity's resources responsibly;
- act with reasonable care and skill; and
- ensure your charity is accountable.

Under each heading, the Commission explained the legal requirements that trustees must meet, and the good practice they needed to follow, to operate effectively and comply with their duties.

The Committee heard that even if someone had been a trustee for many years, they would still benefit from looking at the new guidance and brushing up on their legal duties and essential good practice. The Commission made it clear that trustees were expected to follow good practice, applying it appropriately to their charity's circumstances.

The Charity Commission had found that serious concerns about a charity had their root causes in weak governance and trustees had failed to comply with their governing document, dealing with conflicts of interest, or implementing sufficient procedures and controls. It created opportunities for serious wrongdoing such as fraud or abuse of beneficiaries. The new guidance provided practical examples of how to avoid some common pitfalls, for example, ensuring a trustee understood the governing document, asked questions and understood the charity's finances.

Standards Committee Members commented that it was important for Elected Members in Tameside to feel confident when agreeing to be trustees of a charity that they understood the rules to ensure the charity was running in a legal, accountable and effective way and would support a training session being arranged on the new guidance. In addition, it was suggested that this subject should also be included in the induction programme for newly elected members.

RESOLVED

- (i) That the guidance be shared with Elected Members and a training session be arranged in conjunction with other GM authorities for Elected Members who were trustees of charities.**
- (ii) That the guidance also be included in the induction programme for newly elected members.**

7. FREEDOM OF EXPRESSION LEGAL FRAMEWORK

The Committee recalled that they have previously approved guidance and training for both members and staff about the benefits of Social Media and also the pitfalls. The Equality and Human Rights Commission had issued a guide that explained the legal framework, which protected freedom of expression and the circumstances in which that freedom might be restricted in order to prevent violence, abuse or discrimination.

The guidance explored the boundaries between freedom of expression, unlawful discrimination and harassment, and hate speech. It also considered various contexts in which freedom of expression was curtailed. There were, of course, other aspects of the right to freedom of expression (such as privacy, libel and defamation) which would be covered in future publications.

There is considerable debate at both national and international levels about what types of contentious language or communication should be either permitted or prohibited.

The Equality and Human Rights Commission have therefore set out in this guidance the legal framework in Great Britain.

RESOLVED

That the guidance be communicated more widely and a simple guidance note be produced by the Council's communications team for sharing with Elected Members and staff.

8. DELIVERING GOOD GOVERNANCE IN LOCAL GOVERNMENT

The Executive Director (Governance and Resources) presented a report advising that the CIPFA/SOLACE Joint Working Group on Good Governance in Local Government was consulting on a revised Framework for Delivering Good Governance in Local Government.

Local authorities were set for further reductions in government funding over the course of this Parliament and to cope in this time of unprecedented change, they would need to continue to adapt the way in which they operated. Local authorities had responded to austerity through increased collaboration; developing their role as 'enablers' and making further use of alternative delivery vehicles for public service provision.

It was therefore crucial that leaders and chief executives kept their governance arrangements up to date and relevant. In response, CIPFA and SOLACE were undertaking a fundamental review of the Framework: Delivering Good Governance in Local Government to ensure that it remained 'fit for purpose'. The main principle underpinning the development of the new Framework continued to be that local government was developing and shaping its own approach to governance, taking account of the environment in which it now operated.

The revised Framework also built on the *International Framework: Good Governance in the Public Sector (CIPFA/IFAC 2014)*. The *International Framework* placed sustainable economic, societal and environmental outcomes as a key focus for governance processes and structures. It emphasised the importance of considering the longer term and the links between governance and public financial management – all key considerations for local authorities in today's climate.

RESOLVED

That the intention of the Greater Manchester Lawyers to respond to the consultation questions to enable this key governance guidance be noted.

9. REGISTER OF INTERESTS AND GIFTS AND HOSPITALITY

The Executive Director (Governance and Resources) advised that the Register of Interests and Gifts and Hospitality were available at the meeting for inspection. She advised that she intended to refresh the Council's protocol for circulation to Elected Members and employees reminding them of the Council's expectations on gifts and hospitality.

10. DISCUSSION PERIOD

The following items were raised during the discussion period:

Transfer of Children's 0-5 years public health services

In response to a question from the Chair regarding the transfer of health commissioning responsibilities for children aged 0-5 from NHS England to local authorities on the 1 October 2015, the Executive Director (Governance and Resources) advised that the Council had commenced its planning for the transfer some months ago. It was working closely with its partners on commissioning responsibilities including financial allocations, implementing and monitoring a workforce plan and understanding the impact this would have on families in Tameside.

Local News Publications

Mrs Barnes stated that the Tameside Advertiser and The Citizen, the Council's quarterly news publication, both valuable sources for local information, were no longer being delivered in her area. The Executive Director (Governance and Resources) advised that a review of how the Council engaged with the public including the distribution of the The Citizen was being undertaken and she agreed to keep Standards Committee members updated.

11. URGENT ITEMS

The Chair advised that there were no urgent items for consideration at this meeting.

12. DATE OF THE NEXT MEETING



It was noted that future meetings of the Standards Committee would take place on the following dates:

- Tuesday 8 December 2015
- Tuesday 5 April 2016

CHAIR

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Agenda Item 4

Report To:	STANDARDS COMMITTEE
Date:	4 April 2017
Report Of:	Sandra Stewart Monitoring Officer
Subject Matter:	CODE OF CONDUCT FOR CAMPAIGNERS: ELECTORAL REGISTRATION, POSTAL VOTING, PROXY VOTING AND POLLING STATIONS
Report:	<p>The Chief Executive as Returning Officer and Electoral Registration Officer has been assessed by the Electoral Commission as achieving the highest standards in respect of all areas of performance. This compares very favourably with other Returning Officers within the Northwest region. The Council wishes to maintain its reputation for high standards and it is important, therefore, that whilst the Returning Officers continues to comply with legislation that the integrity of the elections is also maintained in order that the public can have confidence in the integrity of elections. With that end in mind all candidates and agents will be asked to sign up to the Code of Conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers which has been agreed by the main political parties. A copy of the latest version of the Code is appended.</p>
Recommendation(S)	<p>The Committee are advised to note the position adopted by the Returning Officer and the advice to be given to all candidates for the Local Council elections that this Committee expects to be complied with to maintain the high standards of Electoral conduct</p>
Financial Implications: (Authorised By Section 151 Officer)	<p>There are no significant financial issues arising from this Report.</p>
Legal Implications: (Authorised By Borough Solicitor)	<p>These are set out in the report.</p>
Risk Management:	<p>Members should be aware of the Legal framework and advice being given by the national regulatory body for elections in order that consistency of approach is taken.</p>
Links To Community Plan:	<p>Support the current arrangements for ethical and corporate governance of the Authority to ensure that the public can have confidence in local government.</p>
Access to Information	<p>The background papers relating to this report can be inspected by contacting the Report Writer Robert Landon, Head of Democratic Services by:</p> <p> Telephone:0161 342 2146</p> <p> e-mail: robert.landon@tameside.gov.uk</p>

1. CODE OF CONDUCT

- 1.1 Attached at **Appendix 1** is a copy of the Code of Conduct for Campaigners: Postal Voting and Polling Stations which covers all those actively involved in the 2017 Elections. All the major parties represented in Parliament have signed up to the Code on behalf of their campaigners. The Code will be included in the packs that candidates receive with nomination papers and candidates and agents will be asked to sign a commitment to abide by the Code. The Code covers the following areas a number of which are re-iterated in other communications from the Returning Officer.

Postal and Proxy Vote Applications

- 1.2 Campaigners should not encourage electors to have their postal ballot paper pack re-directed to anywhere other than the address where the elector is registered to vote. In addition campaigners should ensure that the Electoral Registration Officer's address is provided as the address for the return of absent vote application forms. Campaigners should forward unaltered any completed application forms given to them to the Electoral Registration Officer within two working days of receipt. It is clearly essential that postal vote applications are received in a timely way to ensure that the deadline for registration is not missed and the elections team are able to process what could be a large number of applications.
- 1.3 With regard to proxy vote applications electors should be encourage to explore other options for people to act as a proxy, including relatives or neighbours for example, before a campaigner agrees to be a proxy.

Postal Voting Ballot Papers

- 1.4 Campaigners should never touch or handle anyone else's ballot paper. If an elector asks for assistance they should be referred to the Elections Office who may be able to arrange a home visit. Campaigners should never observe voters completing their ballot paper.
- 1.5 Campaigners should not ask or encourage voters to give them any completed ballot paper or ballot paper envelope. If asked by a voter to take a completed postal ballot pack on their behalf, campaigners should immediately post it or take it directly to the Elections Office.

Campaigning Outside Polling Stations

- 1.6 Campaigners should be allowed to put their messages to voters on polling day, including in public spaces outside polling places as long as they are not within or impeding access to the grounds of the polling place. Campaigners should also recognise that groups of supporters outside polling stations may be seen as intimidating by voters.

Complaints and Allegations about Electoral fraud.

- 1.7 Campaigners should be prepared to give the police a statement and substantiate any allegations of electoral fraud they make. Campaigners should ensure that they are confident that evidence can be provided to the police before considering whether it is appropriate to publicise any specific allegation.
- 1.8 Campaigners who are concerned or think that electoral fraud may have taken place should raise the matter with their election agent or local party, or with the Returning Officer. They may be able to explain whether or not an election-related crime has been committed.
- 1.9 Concerns about breaches of the political finance rules should be raised directly with the Electoral Commission.

Draft Guidance on publicity

- 1.10 A draft Guidance on publicity has been produced at **Appendix 2** covering both considerations for RO and their staff. It is intended that this guidance is issued to staff and Candidates and Agents.

Duty to maintain secrecy

- 1.10 Anyone attending a postal vote opening session, including your staff, must be provided with a copy of the UK Parliamentary and/or local government secrecy requirements as appropriate. There may be occasions when the front of a ballot paper becomes visible. However, it is an offence for anyone to attempt to ascertain the candidate(s) for whom any vote is given on any particular ballot paper or communicate any such information obtained at those proceedings. Anyone attending an opening session must not attempt to see how individual ballot papers have been marked. Anyone attending the opening of postal votes, which include staff working at the opening session, must maintain the secrecy of voting.
- 1.11 In addition, anyone attending a postal vote opening must not attempt to look at identifying marks or numbers on ballot papers, disclose how any particular ballot paper has been marked or pass on any such information gained from the session. Anyone found guilty of breaching these requirements can face a fine of up to £5,000, or may be imprisoned for up to six months in England and Wales.
- 1.12 It is very important that the electorate can have confidence that they can vote without anyone being able to identify how they as an individual have voted.
- 1.13 The Tameside Returning Officer maintains this secrecy by:
- a) Ensuring all staff and candidates and their agents are fully aware of the secrecy requirements by providing them with a copy; and
 - b) By ensuring the opening of ballot papers are separated from the process of checking and scanning the Postal Vote Statement which provides the verification data of the signature and date of birth that enables an envelope containing the secret vote to remain secret and go into the ballot.
- 1.14 It is intended this year as an additional precaution that counting agents will not be able to attend the opening of postal votes until such time as they have met with one of the Deputy Returning Officers, who are the Borough Solicitor and Head of Democratic Services and signed a copy of the secrecy requirements set out below confirming they understand their obligations.

Notification of secrecy requirements – postal voting

Section 66 of the Representation of the People Act 1983 (as amended)

(4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not –

(a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or

(b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person; or

(c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other

Section 66 of the Representation of the People Act 1983 (as amended)

[...]

(2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not –

(a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;

(b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.

[...]

(6) If a person acts in contravention of this section he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a

1. RECOMMENDATIONS

2.1 As set out at front of report.

Code of conduct for campaigners: electoral registration, postal voting, proxy voting and polling stations

Campaigners are an essential element of a healthy democracy, and their right to put their arguments to voters should be supported and protected. It is equally important, however, to ensure that the activities of campaigners do not bring into question the integrity of the electoral process.

This Code provides a guide for campaigners, electoral administrators and police forces to what is, and is not, considered acceptable behaviour at polling stations and in the community during the lead-up to polling day.

As a guiding principle, if there is any doubt about a particular activity, campaigners should ask themselves “What would a reasonable observer think?”

More detailed guidance about electoral offences can be found in the guidance for candidates and agents, which is available at:

<http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent>

The Code has been sent to all registered political parties in Great Britain, and Returning Officers will draw it to the attention of all candidates and parties contesting elections.

Some Returning Officers may identify the need to develop and seek agreement to specific local provisions which supplement the terms of this Code, in order to address identified local risks. Returning Officers must consult with local campaigners and the relevant national Nominating Officers as well as police forces to secure appropriate local agreement to such provisions, and should ensure that they are communicated and well-understood by campaigners locally.

Scope of this code

This code covers all those actively involved in campaigning in elections or referendums in Great Britain. All references to campaigners in this code include:

- Candidates standing at an election, their agents and their staff and supporters
- Political party officers, members and supporters campaigning at an election
- Other people and organisations campaigning for or against a candidate, a group of candidates or a party at an election
- People and organisations campaigning for or against a particular outcome at a referendum

Compliance with this code

Any concerns that this code has been breached should be raised first with the candidate, political party or campaigner in question.

Any further concerns should be drawn to the attention of the Electoral Commission. The Commission will raise them with the relevant party or campaigner if appropriate, and will agree appropriate actions to remedy or prevent a reoccurrence of any breach.

1 Electoral registration and absent vote applications

1.1 Campaigners should be free to encourage voters to register to vote and apply to vote by post or appoint a proxy to vote on their behalf, if that is the most convenient way for them to vote.

Campaigners can help to inform voters about how to participate in elections, and Electoral Registration Officers should support you by providing you with a reasonable number of registration and absent vote application forms on request. Voters can also register online at:

www.gov.uk/register-to-vote

1.2 Campaigners should ensure that any electoral registration forms and postal or proxy voting application forms conform fully to the requirements of electoral law, including all the necessary questions and the options open to electors.

You can download electoral registration forms from www.gov.uk/register-to-vote and absent vote application forms from www.aboutmyvote.co.uk

1.3 Campaigners should ensure that the local Electoral Registration Officer's address is clearly provided as the preferred address for the return of registration and absent vote application forms.

To ensure voters can make their own choice about how to return registration or absent vote application forms, you should always clearly provide the relevant Electoral Registration Officer's address as the preferred return address, even if an alternative address is also given. This will also minimise the risk of suspicion that completed applications could be altered or inadvertently lost or destroyed.

1.4 Campaigners should send on unaltered any completed registration or absent vote application forms given to them to the relevant Electoral Registration Officer's address within two working days of receipt.

To minimise the risk of absent vote applications being refused because completed forms arrive with the Electoral Registration Officer after the statutory deadline before a poll, you must ensure that there is no unnecessary delay in forwarding on application forms which you receive directly.

1.5 Campaigners should always explain to electors the implications of applying to vote by post or appointing a proxy.

It is important that electors understand that they will not be able to vote in person on polling day if they or their proxy apply for and are granted a postal vote, and will not be able to vote in person if their appointed proxy has already voted on their behalf. To avoid duplication and unnecessary administrative pressures for Electoral Registration Officers, campaigners should try to ensure that electors who are included in current postal or proxy voter lists, or have already applied for a postal or proxy vote for a particular poll, do not submit an additional application.

Postal vote applications

1.6 Campaigners should never encourage electors to have their postal ballot pack redirected to anywhere other than the address where they are registered to vote.

Electors should take care to protect their ballot paper and postal ballot pack, and they will be best able to do so at their home address unless there are compelling reasons why receiving the postal ballot pack at the address where they are registered to vote would be impractical. Electors must state on the application form the reason why they need their postal ballot pack sent to another address.

Proxy vote applications

1.7 Electors should be encouraged to explore other options for people to act as a proxy – including relatives or neighbours, for example – before a campaigner agrees to be appointed as a proxy.

To minimise the risk of suspicions that campaigners may be seeking to place undue pressure on electors, electors should not be encouraged to appoint a campaigner as their proxy.

2 Postal voting ballot papers

2.1 Campaigners should never touch or handle anyone else’s ballot paper.

If you are asked for assistance in completing a ballot paper, you should always refer the voter to the Returning Officer’s staff at the elections office who may be able to arrange a home visit if necessary. Assistance will also be available for electors at polling stations.

2.2 Campaigners should never observe voters completing their ballot paper. If you are with a voter when they complete their ballot paper, remember they should always complete it in secret.

You should ensure that the voter seals both envelopes personally and immediately after completing their ballot paper and postal voting statement. If you are asked to give advice, it is acceptable and often helpful to explain the voting process, but do not offer to help anyone to complete their ballot paper.

2.3 Campaigners should never handle or take any completed ballot paper or postal ballot packs from voters.

Wherever practical, you should encourage voters to post or deliver the completed postal ballot pack themselves. If you are approached or asked for help by a voter who is unable to post their completed postal ballot pack or make any other arrangements for it to be returned in time, you should contact the Returning Officer to ask them to arrange for it to be collected. The Returning Officer may agree that it would be in the voter’s best interest for you to deliver the completed postal ballot pack to the relevant office or polling station, if there are no feasible alternative options.

3 Campaigning outside polling places

3.1 Campaigners should be allowed to put their messages to voters on polling day, including in public spaces outside polling places.

Polling station staff and police officers should not seek to discourage or remove campaigners who are otherwise peacefully communicating with voters, as long as they are not within or impeding access to the grounds of the polling place. You should be careful, however, to ensure that your approach is proportionate and should recognise that groups of supporters may be perceived as intimidating by voters.

3.2 Campaigners should keep access to polling places and the pavements around polling places clear to allow voters to enter.

The Presiding Officer is responsible for maintaining order in the polling place, and you may be asked to move by polling station staff or police officers if you are impeding access by voters to a polling place.

4 Complaints and allegations about electoral fraud

4.1 Campaigners should be prepared to give the police a statement and substantiate any allegations of electoral fraud they make.

The police will investigate allegations where someone is prepared to provide evidence or a statement in support of the complaint, but unsubstantiated claims about electoral fraud have the potential to damage confidence in the integrity of the electoral process. You should ensure you are confident that evidence can be provided to the police before considering whether it is appropriate to publicise any specific allegation.

4.2 Campaigners who are concerned or think that electoral fraud may have taken place should raise the matter with their election agent or local party, or with the relevant Electoral Registration Officer or Returning Officer for the area.

They may be able to explain whether or not an election-related crime has been committed, and refer it to the police if appropriate or provide details of the police contact for the relevant area so that campaigners can report their allegation. Concerns about breaches of the political finance rules should be raised directly with the Electoral Commission.

4.3 Any campaigner who has actual evidence that an electoral offence has been committed should report it directly and without delay to the police.

If appropriate, the police will investigate the matter. Every police force has designated a Single Point of Contact (known as a SPOC) to lead on election matters and who will deal directly with the matter or give advice to local police officers. The Electoral Commission can help provide contact details for local police force SPOCs.

Agreed and effective from [December 2014]

APPENDIX 2

RESTRICTIONS ON PUBLICITY AND EVENTS GUIDANCE FOR THE PREELECTION PERIOD OF THE GREATER MANCHESTER COMBINED AUTHORITY MAYORAL ELECTION

1. INTRODUCTION

The first election of a Mayor for the Greater Manchester Combined Authority will take place on **Thursday 4th May 2017**. The formal election process begins with the publication of the Notice of Election on **Friday 24th March 2017**, from this date until the election is over (“the **Election Period**”) local authority officers within the Greater Manchester Combined Authority must pay particular regard to the requirements that apply to proposed publicity and events.

The legal requirements for publicity and events apply to local authorities at all times. This is a guidance note on how those requirements should be applied and to issues that may arise during the Election Period. During the Election Period local authorities are required to take particular care over publicity to ensure that communications are balanced and without bias – that there is no appearance of support for any particular individual seeking election or for any party they may represent. As a result additional restrictions may apply. However the essential business of authorities should continue subject to the restrictions of the Election period.

It is important that all staff in the relevant authorities are aware of the pre-election restrictions and how they apply. It is however a matter for each local authority to decide whether their involvement with publicity or events is compliant with the legal requirements. This guidance is to assist local authorities when considering proposed publicity/events during the Election Period.

This guidance covers:

- What is defined as ‘publicity’?
- Key points to consider for officers, elected members and candidates in the run up to an election
- How the restrictions will work in practice
- Where to seek further guidance

2. WHAT IS DEFINED AS ‘PUBLICITY’?

Section 6 of the Local Government Act 1986 defines publicity as “any communication, in whatever form, addressed to the public at large or to a section of the public”. This includes the more obvious forms of communication such as:

- Public events
- Speeches
- Leaflets/newsletters
- Press releases
- Posters
- Websites and social media
- Radio/TV interviews
- Photographs

However, it can also include less obvious forms of communication including for example:

- Sponsorship
- T-Shirts and carrier bags
- Badges
- Events (such as exhibitions, plays, conferences)

3. KEY POINTS FOR OFFICERS AND CANDIDATES TO CONSIDER

The Local Government Act 1986 (as amended) and the resulting Code of Recommended Practice on Local Authority Publicity – often referred to as ‘the Code’ – applies to all local authority publicity, but in the Election period further rules apply and these provisions increase in importance.

Section 2 of the Local Government Act 1986 states that a local authority shall not publish any material which in whole or in part appears to be designed to affect public support for a political party. This means that any publicity must be lawful, objective, cost effective, even-handed, accurate, have regard for matters of equality and diversity and must avoid issues of political controversy which are specifically identifiable as the view of one political party but not another. Particular care must be taken with regard to publicity to be issued during periods of heightened sensitivity. When considering whether any material should be published certain factors should be considered:

- The content and style of the material;
- The time and circumstances of the publication;
- The likely effect of the material on those to whom it is directed;
- Whether the material promotes or opposes a point of view on a question of political controversy which is specifically identifiable as the view of one political party but not another;
- Whether the material contains references to a particular candidate or the political party they represent and the nature of those references;
- Where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.
- Local authorities are also required not to give financial or other assistance to a person for the publication of materials which the authority is prohibited from publishing themselves and to ensure that controlled and influenced companies do not publish material which would contravene section 2.

4. HOW THE RESTRICTIONS WILL WORK IN PRACTICE

The following guidance is intended to give an overview of how the restrictions of the pre-election period will work in practice.

- **Local Authority Business:**

The pre-election restrictions are not intended to restrict local authority business and decision making. Members should largely be able to carry out their duties as normal. However, regard should be given to any publicity that will arise from ‘business as usual’ and whilst meetings and decision making should continue as normal, local authorities generally avoid scheduling decisions on any controversial issues during any pre-election period unless to do so is essential for legal, contractual or financial reasons. This is principally to avoid any potential challenge to the decision on the matter in question being brought based on arguments that the decision was influenced by the proximity of the decision-making meeting to the election, but it could also be argued that such a meeting provides candidates or parties with a platform for raising their profile and promoting their campaign.

Given that the mayoral election campaigns are likely to focus on issues at a GM and national level the likelihood of the restrictions having any significant impact on ‘business as usual’ is less than it would be in the context of local or even general elections. The only local meetings or decisions which should potentially trigger this restriction are those which are either controversial in a wider political context or within the context of a campaign issue which has been taken up by candidates or parties involved in the mayoral election. For example, the issue of land allocation within the GMSF has generated a lot of public interest. Consideration would therefore need to be given to the

extent to which a decision on this issue could allow parties or candidates to adopt a position which could in turn be influential in terms of the mayoral election.

There is more potential for meetings and decision making within the authorities that operate at a GM level, such as GMSFR, the PCC, TfGM and the CA itself, to be affected by this particular restriction. Careful consideration would need to be given to whether to defer until after the election the consideration of potentially controversial matters which are specifically identifiable as the view of one candidate or political party but not another.

- **Local Authority Communications:**

The standard application of the Code during the pre-election periods in relation to General and Local elections means that local authorities generally do not publish proactive publicity of any sort during that period, particularly any publicity that would require the involvement of individual Members or a political group.

The position as to how the Code should be applied to communications in the context of the Mayoral election is less clear cut, principally because it can be difficult at times to separate out those issues which are GM or national issues and those which are purely local, given that many GM and national issues will have a local perspective and vice versa.

Press releases and publicity can be issued on routine business, though care should be taken to ensure information communicated is factual and makes no reference to individual candidates.

Where the subject of the press release or publicity has a GM or national aspect to it, it should not reference political groups linked to candidates in the election and should not be unduly controversial. Such publicity should portray decisions as made by the relevant authority as a whole and not by a particular group and should avoid including quotes from individual members.

It may be necessary for a local authority to publicly respond to events outside of their control. In these instances, whilst members who are also candidates should not be asked to comment, other members holding key political positions can comment, provided that the information is factual and not party political. Where officers are asked to comment, it should not be in such a way that identifies officers with individual members or groups of members.

Publicity materials of a political nature should not be permitted on any local authority website or any social media accounts maintained by the authority. This includes the hosting of material which is created by third parties and links to other websites containing political material. Election notices and information published by the Returning Officer and Local Returning Officer can however be published on the website.

Particular care should be taken with published photographs. Photo opportunities which could be seen as giving an unfair advantage to any candidate or their associated party should not be organised or promoted by officers. The context in which photos are used is important. Photos taken previously may be deemed unsuitable for use in the context of the pre-election period. For example, a photo of one of the candidates speaking at the launch of last year's LGA conference may seem quite innocuous, but it associates that candidate with an event of wider significance and could therefore be deemed to be promoting that candidate in a way which would be inappropriate during this pre-election period.

- **Local Authority Events:**

Pre-election restrictions will apply to some events organised by local authorities that are open to the public or a section of the public, or are of media interest. Officers should not be involved in public events attended by individuals who are standing as candidates, or acting as agents. Such events should not be used to publicise candidates, their parties or the policies or candidates they support. It is therefore better to avoid proactively scheduling PR events and photo opportunities which could be seen in that light during this period if possible.

Once a public meeting has been arranged it is difficult to prevent candidates from attending. The safest approach is to ensure that such events are wherever possible scheduled outside the Election Period. If an event must take place during the Election Period, it should not provide publicity or a platform for candidates. On the rare occasion when an event has been arranged and cannot be rescheduled, if candidates are present, there should be a political balance in representation. If possible, such events should be postponed. Routine meetings may continue as planned with regard to guidance on publicity.

- **Local Authority Venues:**

No political posters or leaflets should be displayed on any local authority premises or vehicles. It is an offence under the Town and Country Planning Acts to display fly-posters and it is also illegal to deface road signs which are the property of the Highways Authority. There are legal rules allowing candidates to use appropriate rooms for political meetings. For guidance on available rooms contact your Electoral Services team.

Requests to visit local authority premises by candidates or politicians should be refused as it is not permitted for local authority premises or facilities to be utilised to promote one political party over another.

Filming or photographing local authority services which are publicly and freely available may be permitted, subject to any conditions regarding photo consent, and to avoid disruption to services.

Filming/photography inside local authority premises or on local authority land is permissible to the extent that it complies with regulations issued under the Local Audit and Accountability Act 2014 which relates to the filming, recording and broadcasting of local authority meetings held in public. However, the potential for such meetings to be broadcast is a factor which would need to be taken into consideration when coming to a view as to whether it is appropriate for the meeting to proceed in the pre-election period.

Candidates and local authority members:

Candidates and members can generate their own publicity during this period subject to their own party's protocols. The pre-election restrictions only apply to local authority organised publicity.

Local authority equipment should not be used for political purposes. This includes printing or photocopying facilities or any ICT facilities (this includes Council hosted e-mail addresses). Members and candidates should use their own facilities and resources or those of their own party. Authorities will need to consider the extent to which it may be appropriate to restrict their member ability to publish information on the authority's website, particularly where for example authorities allow a blog through modern.gov or links to blogs and twitter feeds.

- **Local authority staff:**

Local authority staff should not assist any Member, candidate or agent in preparing or publishing any publicity material, except where there is a genuine need for a political response to an event outside the authority's control. Officers who hold politically restricted posts, or who are likely to be involved or employed in connection with the elections, should be reminded of their obligations not to take part in the political campaign or canvass on behalf of a candidate or associated political party.

Officers must not allow candidates to exert undue influence or pressure to resolve issues outside of standard procedures, as this may be seen as giving electoral advantage. It would also be wholly inappropriate for officers to deal with any matters relating to selection procedures for candidates, political differences between two or more political groups and internal party issues. Officers involved in Council funded, hosted and managed social media sites should also ensure that these sites do not contain communications or photographs relating to issues of political controversy or promote any candidate, or associated party.

5. MANAGEMENT OF PUBLICITY AND EVENTS

The above information is provided for guidance. Each local authority is responsible for making decisions regarding publicity and events in their own area and must have in place arrangements for seeking advice on, and authorisation of them during the Election Period. This should be based on the existing management structures within each local authority and involve the relevant Strategic Director or equivalent. The ultimate responsibility for making a decision rests with the Local Returning Officer within each authority.

Where to seek further guidance

- If you require further guidance, advice or assistance please contact:

Sandra Stewart, Executive Director (Governance, Resources and Pensions) – email: sandra.stewart@tameside.gov.uk, tel: 0161 342 3028 or
Robert Landon, Head of Democratic Services – email: robert.landon@tameside.gov.uk, tel: 0161 342 2146
- To view Electoral Commission guidance to candidates and agents go to www.electoralcommission.org.uk
- Candidates can discuss any concerns with their Party Agent during the campaign who may consult further with the Returning Officer if necessary.
- Code of Recommended Practice on Local Authority Publicity:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5670/1878324.pdf
- Section 2 of the Local Government Act 1986:
<http://www.legislation.gov.uk/ukpga/1986/10/part/II>



Examples:

These examples are provided simply to give some guidance as to the type of situations which could arise. However, each local authority is responsible for making its own decision in each case as to whether the Code applies. Each situation must be considered on its own facts and officers should exercise caution and seek guidance as indicated above wherever there is any uncertainty.

1. A local authority officer has been asked to circulate, through the local authority email system, notice of a meeting to discuss strategic planning issues. The invite refers to a speaker who is likely to be a Mayoral election candidate. The request has come from a local authority elected member. The request should be declined as local authority resources should not be used to promote a candidate or political party.
2. A local campaign group have a meeting scheduled to discuss a report highlighting potentially harmful impacts on air quality and highway safety implications of a development proposal backed by the CA. The local authority Environmental Protection officer and a representative of TfGM have been invited to attend the meeting. It is a public meeting on a subject which has generated considerable public opinion and there is therefore the possibility that one or more of the candidates might attend the meeting. The issue that both the local authority and TfGM must consider is whether their respective officers should attend. If the decision is for them to attend they should be briefed as to how to manage any issues that may arise, particularly as, in the event that one or more of the candidates does attend, the officers should be advised to withdraw from the meeting/event. As it is a public meeting the press may be involved –photographs or statements must be very carefully managed and if not previously agreed they should be declined by the officers.

3. A publicity campaign on the part of the CA, local authorities across GM and NHS Trusts, aimed at encouraging people to be more active and promoting the use of sustainable transport alternatives such as walking and cycling and encouraging people to use public transport has been proposed. The proposal is for advertisements on bus shelters and at metro stops and flyers in community buildings and GP surgeries. This would not appear to be a controversial issue or be aligned with a particular party and would not normally contravene the publicity restrictions.

Agenda Item 5

Report To:	STANDARDS COMMITTEE
Date:	4 April 2017
Report Of:	Sandra Stewart Monitoring Officer
Subject Matter:	MAYORAL PROTOCOL
Report:	<p>Given that the Civic Mayor is the Borough's first Citizen and the public profile of the Civic Party is high the Council has for a number of years operated a Mayoral Protocol. The protocol guides the Civic Mayor and other members of the Civic Party and sets out the standards of behaviour, conduct and appearance that must be adhered to by the Civic Party.</p> <p>In accepting the role of Civic Mayor, Mayoress or Consort and Deputy Mayor those taking up office are agreeing to abide by the Mayoral Protocol and agreeing to carry out their role with dignity and gravitas.</p> <p>Attached for consideration is the declaration that members of the Civic Party are expected to sign prior to taking up office.</p>
Recommendation(S)	That the Standards Committee note and endorse the Protocol setting out the standards of conduct, behaviour and appearance of all members of the Civic Party and the requirement to make the declaration to abide by the Protocol prior to taking up office.
Financial Implications: (Authorised By Section 151 Officer)	There are no significant financial issues arising from this Report.
Legal Implications: (Authorised By Borough Solicitor)	Under the provisions of the Local Government Act 1972 the Council must appoint from amongst its members a Chair, known as the Civic Mayor in Tameside. A Deputy must also be appointed. In April 2011 the Council adopted a Mayoral Protocol to guide the work of the Civic Mayor and other members of the Civic Party. In addition to setting out standards of behaviour, conduct and appearance the Protocol outlines, amongst other things, the roles and responsibilities of the Civic Party and criteria for including events in the annual programme.
Risk Management:	The Mayoral Protocol and the agreed approaches contained in it are designed to uphold the dignity of the office and to reduce risk.
Links To Community Plan:	The Mayoralty contributes to each of the strands of the Community Plan.
Access to Information	<p>The background papers relating to this report can be inspected by contacting the Report Writer Robert Landon, Head of Democratic Services by:</p> <p> Telephone:0161 342 2146</p> <p> e-mail: robert.landon@tameside.gov.uk</p>

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MAYORAL PROTOCOL

The Civic Mayor is the Borough's first citizen and the public profile of the Civic Party is high. The Civic Mayor is the face and conscience of the Council and the role holds great importance in the history and cultural heritage of the Borough. The role of the Mayoress or Consort is also very important, it is an opportunity to share a special year but also brings with it a responsibility to uphold the dignity of the Mayoralty and the community the Mayor represents.

The Council has adopted a Mayoral Protocol to guide the work of the Civic Mayor and other members of the Civic Party. Prior to formally taking up office you will be advised on the operation of the protocol by your support team. On all matters of civic protocol you will be advised by your support team and you should follow this advice as the role is frequently governed by protocols and official procedures.

In accepting the role of Mayor, Mayoress or Consort and Deputy Mayor you are agreeing to abide by the Mayoral Protocol and agreeing to carry out your role with dignity and gravitas and to follow the high standards of conduct, behaviour and appearance expected of members of the Civic Party.

It is important to remember that when you are wearing your chain or insignia of office you will be expected to uphold the dignity of office and act with courtesy, humility, tact and diplomacy. As a representative of the Borough all members of the Civic Party need to be aware that what they say and do may be seen as the view or action of the Council.

The Mayoral Protocol provides clear guidance on the attributes that should be displayed by all members of the Civic Party and sets out specific dress code requirements relating to a range of engagements and events within both formal and community settings.

For the purpose of definition this involves all occasions whereby the Civic Mayor will be required to attend in both the Robe and Mayoral Chains. Such occasions include:

- Full Council meetings
- Citizenships
- Remembrance Sunday
- Mayor's Charity Valentine's Ball

In order to accommodate the significance of occasion the Civic Mayor is required to ensure that dress code is as follows, prior to robes and chain being applied.

For Men

White winged collar shirt, tie, plain black trousers and plain black shoes

For Women

Plain white blouse, black skirt or trousers and plain black shoes

Engagements, Functions and Events

When attending engagements and there is no requirements for robes to be worn there is a specific need to ensure the Civic Mayor meets dress code requirements. It is expected for the Mayoral Chains to be applied to existing attire.

For Men

Smart/business dress – black, grey or dark suit, shirt, tie, plain black shoes

For Women

Smart/business dress – suit or dress

As part of the comprehensive support provided by the Mayor's Secretary all dress code expectations will be articulated in advance for both Council arranged events and planned engagements.

Deputy Mayor of Tameside

On occasion the Deputy Mayor of Tameside will be required to deputise for the Civic Mayor. This will often be something that is arranged with notice during periods of absence; however this may also be requested at short notice if such a circumstance was to arise.

When deputising for the Civic Mayor of Tameside the dress code outlined above will apply in full. It will be expected for any chains/badges of office to be applied to existing attire.

Mayoress, Consort to the Mayor and Deputy Mayor

When accompanying the Mayor or Deputy Mayor at an engagement or function it is important that the dress code meets two key requirements:

- 1) To take account of your supporting role to the Civic Mayor/Deputy Mayor. As the Civic Mayor is likely to have a key role it is necessary to ensure that attention is not drawn away from the guest of honour.
- 2) When planning to attend such events it is important that appropriate dress is selected. All engagements will require formal/business attire, shirt, tie, plain black shoes and any accessories must be discrete.

When attending engagements and events the following dress code will apply.

For men

Smart/business dress, suit, shirt, plain black shoes

For women

Smart/business dress – suit or dress

It will be expected for any chains/badges of office to be applied to existing attire.

Dress code for such occasions also extends to additional clothing due to inclement weather such as coats and hats. It is expected that jewellery is kept to a minimum whereby men wear a wedding ring and a watch; with the addition of earrings and necklace for a woman. Approval for any additional jewellery must be sought in advance from the Chair of Council business.

Declaration

I agree to abide by the Mayoral Protocol and to abide by the appearance and behaviour guidelines described above.

Signed.....Dated.....
Mayor Elect
Signed.....Dated.....
Mayoress / consort

Signed.....Dated.....
Deputy Mayor Elect
Signed.....Dated.....
Deputy Mayoress / consort