

## EU Referendum

### Frequently Asked Questions relating to the EU Referendum

#### General information

#### When does the pre-referendum period start and what are the restrictions in place during that period?

The pre-referendum period for the EU Referendum begins on 27 May. Extra care needs to be taken about Local Authority publicity during this period.

The *Code of Recommended Practice on Local Authority Publicity* ('The Code'). (Paragraphs 33-35) states:

*“Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums....*

*“During the period between the notice of an election and the election itself, Local Authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual Member or group of Members. Publicity relating to individuals involved directly in the election should not be published by Local Authorities during this period unless expressly authorised by or under statute. It is permissible for Local Authorities to publish factual information which identifies the names, wards and parties of candidates at elections.*

*In general local authorities should not issue any publicity which seeks to influence voters. However this general principal is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support or oppose a question put at a referendum. It is acceptable to publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject of the vote.”*

In addition Section 125 of the Political Parties, Elections and Referendums Act 2000 prevents (with a few technical exceptions) the County Council, during the pre-referendum period, from publishing any information which:

- Provides general information about the referendum,
- Deals with any of the issues raised by any question asked in the referendum,
- Puts any argument for or against any particular answer to any such question.

The EU Referendum does not prevent the County Council publishing material about its own activities, provided those activities are not related to the referendum question.

In addition County Council decision making, unless related to a European issue, should continue as normal.

## Information for existing County Council Members

**I am a County Council Member and I will be active during the EU referendum campaign. Can I use my County Council e-mail address and the equipment supplied to me by the County Council, e.g. my laptop and my mobile phone, in the campaign?**

No, the County Council's Code of Conduct for Members states that you must ensure that:

*When using or authorising the use by others of the resources of the County Council that such resources are not used improperly for political purposes.*

The County Council's Protocol for Member/Officer relations states that:

*The only basis on which the County Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc) to Members is to assist them in discharging their role as Members of the County Council. Such support services must therefore, only be used on County Council business. They should never be used in connection with party political or campaigning activity, or for private purposes.*

*It is acknowledged however, that certain equipment provided, such as personal computers and mobile phones can be put to ancillary personal use by Members, provided that such use incurs no cost to the County Council. Any such equipment provided by the County Council, such as personal computers, must however only be used in accordance with any County Council policies which apply at the time. Furthermore, the Member will be fully responsible for the use or misuse of the equipment, including any use or misuse by anyone to whom the Member has given access to the equipment.*

So while your email address and the resources of the County Council can be used for ancillary personal use, they **cannot** be used in connection with any party political or campaigning activity. For example, the following would be contrary to the Code of Conduct and the Protocol for Member/Officer relations:

- Quoting a County Council e-mail address in party political publicity material
- Printing political information/e-mails/attachments on paper supplied by the County Council
- Making photocopies of party political literature using paper or photocopiers supplied by the County Council
- Using a County Council fax machine to transmit party political material
- Using County Council provided IT equipment including computers, telephones or mobile devices to conduct party political business (including posting party political material on blogs or making party political tweets)
- Use of the Members' individual web pages for party political material.

Members may continue to use those resources which relate to their day-to-day business as local Members, including their County Council e-mail address.

**I am a County Councillor and an event relating to the referendum has been organised at a school in my division during the pre-referendum period. Can I attend?**

Yes you can attend, but, there can be no County Council publicity relating to your attendance, nor should you seek to have any picture taken with children at the school or with County Council employees, which may be distributed by other media outlets.

**Can County Council meeting rooms and other public meeting rooms be used to hold public meetings as part of the referendum campaign?**

Persons authorised by the official Leave and Remain campaigns are entitled to use rooms in school premises and other publicly maintainable meeting rooms, free of charge to hold public meetings at reasonable times of the day. This right applies during the period between 27 May and the day of the referendum itself.

The obligation to provide rooms in schools falls on the County Council as the Local Education Authority and is an obligation to provide a suitable room in a maintained school (i.e. not academies and free schools). The right to use rooms in schools does not authorise any interference with the hours during which a school is used for educational purposes and as with publically maintainable meeting rooms it does not override the prior letting of a meeting room.

Details of available publically maintainable meeting rooms can be obtained from the Electoral Registration Officers at the relevant District or Borough Councils for the area.

Candidates interested in using rooms in schools should contact Richard Vaughan in the Children's Services Department at Hampshire County Council in the first instance, tel no: 01962 846683 or email: richard.vaughan@hants.gov.uk.

No hire charges can be made for the use of rooms, but candidates must pay for the expenses of the meeting, such as heating, lighting and cleaning and for any damage to the premises.

**As a County Councillor, can I speak to the media or appear in an interview during the pre-referendum period.**

Yes you can. The publicity restrictions apply to communications activity originating from the County Council, and which are produced and distributed by officers and funded from the public purse. However, if you are taking part in an interview or speaking to the media in your official capacity as a County Councillor representing the County Council, there should be no publicity which seeks to influence voters, material which promotes or opposes a particular point of view around EU membership, or which could be open to challenge on the grounds of bias towards one particular point of view.

Individual Members remain free to engage with the media directly, in their own capacity, on local or party political matters during the pre-referendum period. However, this activity cannot be facilitated by the County Council or using County Council resources.

The Code of Conduct only applies to officers and Members and does not cover the media. It is anticipated that the media will seek alternative viewpoints and would be concerned about whether any claims that a political candidate made in the run-up to the election were true or exaggerated. There is no similar printed code for newspapers or broadcasters, although the BBC is required under the terms of its charter to ensure political issues are covered with accuracy and impartiality.

**As a campaigner in the referendum, I like a photograph that was taken by the County Council and would like to use it in my local newsletter. Is that ok?**

No, the County Council's Code of Conduct for Members states that they must *ensure that when using or authorising the use by others of the resources of the County Council, that such resources are not used improperly for political purposes.*

Before any requests for County Council photographs are agreed, enquiries are made as to their proposed use, and an appropriate restriction on their use is imposed if the request is agreed, to ensure they are not used for political purposes.

**I am a Member of the County Council and I've been invited to sit on a panel at a public meeting that has been organised by a referendum campaign group during the pre-referendum period. Can I attend?**

There is nothing to prevent a Councillor attending a public meeting organised by a third party during the pre-referendum period. However, the County Council will not promote the event in any way or your attendance / role at the event.

**I am a campaigner in the referendum. Can I put campaign signs or posters on roadside verges?**

No. Any political signs or posters on the public highway are illegal and the County Council will remove them when it becomes aware of their presence on the highway. The offending political party may be charged for the removal.

## **Information for County Council staff**

### **Can Hampshire County Council events, exhibitions or open days etc. continue to be promoted during the pre-referendum period?**

Yes, although care should be taken to make sure that the event does not relate to the subject matter of the referendum, or topics/issues relating to the referendum debate.

### **I am the Manager of a County Council-run care home/school and a Government Minister/Shadow Minister/campaigner wants to visit us during the pre-referendum period. Can they be allowed to do so?**

Yes, although care must be taken to give representatives of all groups equal opportunities. There can be no County Council publicity relating to the visit. The County Council should avoid helping or endorsing any point of view in relation to the referendum, or being seen to attempt to influence the way people might vote. Particular care should be taken to ensure that no photographs of children are taken by third parties for publication in a political context.

### **A campaigner in the referendum wants to carry out a photo shoot at our school/care home or any other County Council facility. Can I agree to this?**

No. The general presumption here is that during the pre-referendum period the County Council must not be seen to be helping or endorsing any particular candidate or political party through the use of County Council resources. Therefore, political publicity events should not take place at County Council-run venues.

### **I am employed by the County Council and I've been asked to appear in a photograph/be interviewed in a video for a referendum campaign group. Can I do so?**

Not in your capacity as an employee of the County Council. During the pre-referendum period, requests to assist with publicity in this way should be avoided as it could imply that the County Council was supporting a group or attempting to influence voters. However, provided you are not employed in a politically restricted post (see further guidance below) you could appear in a personal capacity.

### **Is my post politically restricted, and if it is what does this mean for me?**

Officers who are in a politically restricted post should have been notified of the restrictions which apply. If you are unsure if you are in a politically restricted post please see the guidance below or contact the Monitoring Officer.

The following posts are politically restricted:

- the Head of Paid Service
- statutory Chief Officers
- non-statutory Chief Officers
- deputy Chief Officers
- the Monitoring Officer

- any person appointed to a post of assistant to a political group
- any person whose duties involve functions including the giving of advice to decision-makers or speaking on behalf of the County Council on a regular basis to Journalists or Broadcasters
- a person to whom functions are delegated.

Politically restricted officers may not:

1. Stand as a candidate for any Local Authority.
2. Act as an agent or sub-agent for another candidate.
3. Be an officer of a political party or, of any branch of such party, or a member of any committee or sub-committee of such party or branch if his or her duties as such an officer or member would be likely to require him or her to participate in the general management of the party or branch or act on behalf of the party, or branch, in dealing with persons other than members of the party or members of another political party associated with the party.
4. Canvas on behalf of a political party or a candidate standing for election.
5. Speak publically with the apparent intention of effecting public support for a political party.
6. Publish any written or artistic work which appears to be intended to effect public support for a political party.

Politically restricted officers may however join political parties, stand for election to Parish Councils (provided it is not on a party ticket) and display a poster on property occupied by them as their dwelling or on a vehicle or article used by them.

Restrictions 5 and 6 could be argued to apply to a referendum and while the application of the rules to a referendum may be debatable, restricted post holders openly campaigning in the referendum may well be perceived not to be acting in a politically neutral way. Holders of a politically restricted post are therefore advised to exercise caution if they wish to campaign, in case it undermines the confidence of elected representatives in the carrying out of their County Council duties.

**A campaign group in the referendum has asked if they can place their campaign flyers in our school/museum/library etc. Can they do so?**

No, they cannot, as this would involve create the impression that the County Council favoured the views of that group.

**Contacts:**

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