

# **UK PARLIAMENTARY BY-ELECTION FOR THE CLACTON CONSTITUENCY**

## **PRE-ELECTION GUIDANCE**

### **FOR TENDRING DISTRICT COUNCIL MEMBERS AND OFFICERS**

As you will be aware, on 13 August 2026 there will be a UK Parliamentary by-election in the Clacton constituency. Therefore, I thought it would be useful to remind you about the guidelines and requirements for Council publicity during the pre-election period.

At all times, the Council must comply with restrictions outlined in Section 2 of the Local Government Act 1986; however, it is specifically important in all pre-election periods. Section 2 of the 1986 Act prohibits Councils publishing material designed to affect public support for a political party (which includes to persons or issues associated with such political parties). Section 2 also prohibits Council funding or assistance to others to publish such material.

In addition, a Code of Recommended Practice on Local Authority Publicity published in 2011 makes clear that particular care should be taken in periods of *heightened sensitivity*, such as in the run up to an election.

The Act defines publicity as *“any communication, in whatever form, addressed to the public at large or to a section of the public.”*

This guidance has been produced taking into account the guide to publicity during the pre-election period produced by the LGA in 2026 for local elections ([Pre-election period | Local Government Association](#)) and its associated FAQs (<https://www.local.gov.uk/our-support/communications-and-community-engagement/pre-election-period/frequently-asked-questions>), which may prove useful reading for all.

In particular, the FAQs reference *“what happens when there are by-elections in individual wards. Is the whole council bound by the pre-election period restrictions?”*

*The whole council must take care that its actions and communications in relation to those wards comply with the pre-election period restrictions. This means that the council should not make statements about candidates in those wards or make statements on controversial issues that are identified with the views of individual candidates or parties in those wards, or which may influence the voters in those wards. Council publications about other wards where there is no election will not be affected unless they bear directly on political issues in those wards where there is an election.*

**The Council must therefore be especially mindful when issuing any communications, or engaging in other activities, to avoid doing anything which offers undue influence or advantage that might affect the election. This guidance seeks to apply this cautious approach in a measured way.**

## **INTRODUCTION**

This guidance is intended for both Members and Officers of TDC, however it will be circulated to all Town and Parish Councils in the area for their information.

It covers a number of issues, which arise because an election is being held while the Council needs to continue with its normal business as usual.

Any reference to political parties also extends to independent candidacies.

This Guidance does not apply to Candidates' entitlement to the use of publicly funded accommodation within an area to hold election meetings as provided by Sections 95 and 96 and Schedule 5 of the Representation of the People Act 1983 (RPA). Such arrangements will be dealt with separately and in accordance with the election legislation.

## **SUMMARY OF KEY POINTS**

- The pre-election period technically applies from 13 July 2026 for the by-election referenced above; however, with the MP's resignation statement on 7 July, extra care was applied from that point.
- The Council is prohibited at all times (not only during pre-election periods) from undertaking activities or providing publicity "designed to affect support for a political party" and during the pre-election period the obligation to ensure that no candidate or party is favoured is heightened.
- Any publicity describing the Council's policies and aims must be as objective as possible, concentrating on the facts or explanation or both. Local authorities should not use public resources to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy.

- In general, local authorities should not issue any publicity, which seeks to influence voters. This extends to the Council publicising material of others where that material seeks to influence voters.
- During the pre-election period and period of heightened sensitivity (from now until 13 August inclusive) the Council's press releases will not include the names, photographs or quotations from any candidates or agents.

Cabinet members and Committee Chairs will still be quoted as usual provided they are not a candidate; no politician will be quoted (officers only) during the period of nominations (from publication of the Notice of Poll, to the publication of Statement of Persons Nominated).

*An exception may be made for specific civic events scheduled during this period – notably in preparation for the VJ Day event – where the Chairman may be quoted and any who attend the event photographed. Any photographs will seek to be wide shots so as not to focus in on a particular candidate; while any live stream will follow proceedings including the any readings by the Chairman or others.*

- As the election is not to this council, communication and other activities can continue. However, you should be mindful when issuing any communications, or engaging in other activities, to avoid doing anything which offers undue influence or advantage that might affect the other election. An example would be a local issue your council is involved in, which is or could be a subject of debate in the other election – such as any joint work. In a Parliamentary by-election this could encompass a broad range of topics dependent upon campaigns, manifestoes and local issues – caution must be applied.
- The Council's day-to-day work will continue on a "business as usual" basis with decisions being made and services provided, but we will seek to avoid consideration of, or publicity for, politically contentious issues which could form the basis of debate during the election, during the pre-election-period.
- The basic principle for all officers is not to undertake any activity which would call into question their political impartiality in their role at the Council, or could give rise to the criticism that public resources are being used for party political purposes. This includes, but is not limited to,

participation in photo shoots involving candidates, agents or known political campaigners.

- No elected member or officer is permitted to use any Council resources (including their TDC email account) for private or party political purposes. Use of Council resources for political campaigning purposes to promote one or more candidate over another at an election is strictly prohibited; resources include council land, buildings, meetings, staff support and general facilities. Use of Council resources in this way may also constitute a breach of the Council's Members' Code of Conduct or the Officer Code of Conduct. An allegation of a breach of the applicable Code would then be investigated through the procedure relevant to that Code.
- Paragraph 7 of the Council's Members' Code of Conduct (LGA Model Code) and its requirements on the **use of local authority resources and facilities**, which states:  
**As a councillor:**

**7.1 I do not misuse council resources.**

**7.2 I will, when using the resources of the local authority or authorising their use by others:**

**(a) act in accordance with the local authority's requirements; and  
(b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

- All Political Group Leaders within Tendring District Council will be requested to acknowledge receipt of this guidance, confirm its contents have been raised with their individual groups and that its requirements are understood and acknowledged.
- Nothing in Section 2 of the Local Government Act 1986 or the Code of Recommended Practice on Local Authority Publicity prevents the Council from promoting voter registration or participation in elections. As such it is appropriate for the Council to support messaging around measures to make #FindItFriday and #frIDay and steps to raise awareness of the

requirement in the Elections Act 2022 for electors to present appropriate photo ID when they attend a Polling Station in order to vote. The same applies to publicising the names and descriptions of all candidates/agents as included in formal Notices issued by the Acting Returning Officer.

- The Council is also specifically permitted to correct factual inaccuracies in material produced by third parties. It must do this in an even-handed and objective way and will otherwise not seek to enter into political debate on issues.
- Councillors are reminded that the pre-election period restrictions do not apply to their own non-TDC accounts or direct media enquiries – though other electoral law may apply and Councillors should seek their own specialist independent advice. See the LGA Frequently Asked Questions for more on this.

#### **DUTIES OF THE ACTING RETURNING OFFICER**

- The roles and responsibilities of an Acting Returning Officer are set by law. They are a series of powers and duties which are the personal responsibility of the person appointed as Acting Returning Officer.
- Ian Davidson is the Acting Returning Officer (ARO) for the Clacton constituency – and has personal responsibility for conducting the Election. Keith Simmons is his Deputy with the full powers of the Acting Returning Officer delegated to him.
- Acting Returning Officers are not local government employees for the purposes of conducting elections and are not accountable to the Council or its members in carrying out their statutory functions.
- The Acting Returning Officer is required to conduct all elections entirely in accordance with the law.
- The Acting Returning Officer is obliged to provide information to residents around registration to vote, absent vote arrangements and arrangements for voting in person at Polling Stations. They will publicise the names, details of the home address (or relevant area of that home), description (and if relevant the chosen party emblem) and the agent of all candidates as required by law.

## **COUNCIL DECISION MAKING**

- “Business as usual” will continue for services with decisions being made and services delivered. This will include certain statutory consultations including those on planning and licensing applications. It is important to remember to avoid any unapproved change in service delivery/approach/decision making being regarded as influencing political views during a pre-election period.
- The “Business as usual” approach includes the provision for meetings of Council, Cabinet and Committees in the pre-election period. Where these are provided for, this therefore permits public speaking provisions at those meetings and the operation of the democratic governance processes. During the pre-election period consideration of the items of business to be transacted will be undertaken to secure business as usual and also assess whether the item could otherwise fall foul of this guidance and be considered outside of the period.
- However, decisions, public meetings, public consultation exercises and publicity campaigns on issues which it is considered have the potential to be politically contentious may be re-scheduled until after the election. This will avoid the risk of the decision-making process being skewed or otherwise affected. A record will be kept of such a decision to identify why the matter should not be considered in the pre-election period. Staff will submit these through their appropriate member of Management Team to ensure these are noted at that level in the organisation.
- Management Team members and senior officers should familiarise themselves with the Council’s approach to the pre-election period as set out in this guidance and should not permit any issue to be brought forward during the pre-election period which is likely to create political advantage or disadvantage to particular candidates/parties. Again, records will be kept to identify the issue and this will be raised at Management Team to ensure this is noted at that level.

## **PUBLICITY**

- The law says the Council must never publish “any material which, in whole or in part, appears to be designed to affect public support for a political party”. In this context “publicity” is defined as “any communication, in whatever form, addressed to the public at large or to a section of the public”.
- The above applies to events and spoken communications as well as written communications (including social media); including helping others to publish such material.
- All TDC press releases during the Pre-election Period (from now until 13 August inclusive) will require the approval of the Chief Executive, Monitoring Officer or Assistant Director Corporate Policy and Support before publication. Likewise, all requests to correct factual inaccuracies must be submitted to those officers to consider along with any intended correction.
- The adopted approval process for communications will be amended by the Chief Executive in consultation with the Monitoring Officer during the pre-election period, to avoid candidates having unfair access to information while still ensuring Portfolio Holders are kept informed about activities within their portfolio.

## **USE OF RESOURCES**

- No elected member – whether a member of the Cabinet, Chairman of a Committee or any backbench member – or officer is permitted to use any Council resources (including council land, buildings, meetings, staff support or general facilities) for private or party political purposes (including Independent candidacy) purposes.
- Requests for information by candidates and political parties should be responded to in accordance with legal requirements and normal policies and in an even-handed way.
- Specifically, the provisions of the Freedom of Information Act (and the Environmental Information Regulations) are not suspended during the pre-election period and must be complied with by the Council.

## **SECURITY**

- The Acting Returning Officer will receive detailed and confidential advice from the appropriate bodies in relation to any security issues directly during the election period. Should restrictions need to be introduced as a consequence of that advice in respect of Council business this will be notified separately to Members and Officers.
- Members and Officers should expect to see and be subject to rigorous security requirements in the days leading up to Polling day and on the day itself.
- Access to the Count will be rigorously controlled and limited. Only those issued with formal accreditation issued in the name of the Acting Returning Officer will be admitted.
- There is close liaison with Essex Police on operational policing plans to deal with the day to day policing of polling stations and the Count venue and also to respond to any incidents which may arise. Likewise, there is close liaison with the Election Malpractice Team within Essex Police and the UK Government's Joint Election Security Preparedness (JESP) Unit.

## **QUESTIONS AND QUERIES**

- Officers should seek general guidance on the issues in this document from their Manager or Director or from Keith Simmons (Assistant Director Corporate Policy and Support), or Lisa Hastings, Monitoring Officer.
- Any approaches by elected members to use council resources for political purposes, or incidents of direct use should be reported to the Monitoring Officer.
- All publicity matters should be referred to Will Lodge, Corporate Communications Manager.
- Members should raise issues relating to the business of the Council as they are affected by the elections and pre-election period with the Acting Returning Officer, their Deputy or the Monitoring Officer.

## **GENERAL**

All of the above is general guidance which should cover the majority of circumstances. There may however be legitimate exceptions to the guidance – where for example there is a major event outside the control of the Council, an

emergency or a statutory requirement to act within the timeframe of the election. Judgements about those issues will be made by the relevant Management Team member, following consultation with the Chief Executive, Monitoring Officer or Assistant Director (Corporate Policy and Support), on a case-by-case basis in light of the legal requirements and the need to maintain balance and impartiality.

**Ian Davidson**

**Chief Executive**

Distribution:

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