

Election related issues requiring special care

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Owner: **General Counsel to the Commissioner**

Responsible work team: **General Counsel Department**

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1 Introduction

- 1.1 This policy sets out special rules which apply as an election (of the Mayor, or a member of the London Assembly, a London borough council or UK or European Parliament¹) approaches, plus other general rules which apply at all times but need special care at election time.
- 1.2 Immediately before the elections special rules apply. These will be effective from the date of the formal calling of the election until the day of the election itself (the 'pre-election period'). The date will differ for each election. Details for each coming election will be circulated to heads of service and displayed on the Brigade's intranet, hotwire, by General Counsel to the Commissioner.
- 1.3 As the election date gets nearer greater care and sensitivity are required in relation to the London Fire Commissioner's (LFC's) activities in general and publicity and events in particular.
- 1.4 The LFC's business can continue in the normal way so long as the following rules are adhered to.

2 Legal constraints

Misuse of powers

- 2.1 It is unlawful for the LFC (and its staff) to exercise statutory powers with a view to achieving a party political advantage. The LFC's powers may only be exercised for the public purpose for which they were given by Parliament and not for some other, non-public, purpose.

Application: at all times

Use of resources

- 2.2 The LFC's resources (staff, property, premises, printing facilities, telephones, IT equipment, stationery and the like) must never be used for party political activity or purposes. This prohibition covers all activity in the administration of the affairs of a political party and any activity that could reasonably be regarded as either giving a political candidate (or their party) an advantage in the election or as obstructing the election of another candidate.

Application: at all times

Donations

- 2.3 The use of the LFC's resources (as set out in paragraph 2.2) for the political activities of a registered political party or for the purposes of a candidate's election would also be unlawful as an 'impermissible' donation under the Political Parties, Elections and Referendums Act 2000. This applies whether the use of the resources was incurred before or after the date the person became a candidate at an election.

Application: at all times

Publicity for candidates

- 2.4 Section 75 of the Representation of the People Act 1983 specifically prohibits anyone except candidates and their agents, from incurring expenditure on certain publicity with a view to promoting a candidate or a party.

¹ Where a by-election occurs, the principles in this policy must be applied in and around the constituency concerned.

Application: at all times

Political publicity

- 2.5 Section 2 of the Local Government Act 1986 prohibits the LFC from publishing any material which, in whole or in part, appears designed to affect support for a political party. Section 2 sets out criteria for determining whether material falls within the prohibition, such as the time and circumstances of publication. This restriction is not confined to publishing material such as leaflets, newsletters or advertisements, but includes communications in any form (including e-mails and web pages).

Application: at all times

Code of Recommended Practice on Local Authority Publicity (which applies to LFC)

- 2.6 Section 4 of the Local Government Act 1986 requires the LFC, when taking any decisions on publicity, to have regard to the Code of Recommended Practice on Local Authority Publicity issued by the Ministry of Housing, Communities and Local Government. This deals with, among other things, the lawfulness, cost effectiveness and even-handedness of publicity. Officers are required to comply with the Code.

Application: at all times

- 2.7 The Code contains the following sections on publicity during the pre-election period:
- Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums. It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during this period to avoid breaching any legal restrictions.
 - 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 members or groups 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.
- 2.8 No press release or other material should be issued during the pre-election period which either attributes views or policies to any particular political group on the LFC or quotes the views of any individual member.
- 2.9 Publicity which deals with controversial issues should not be published during this period.

Application: during election period

3 Role of Director of Communications

- 3.1 The Director of Communications is the LFC's advisor on all internal and external communications matters. This includes relations with the press, publicity, publications, external and internal events and reception of visitors. In this policy the role of the Director of Communications will be carried out by the deputy during any period when the Director of Communications is unavailable.

- 3.2 Staff must have the prior approval of the Director of Communications for any proposed form of communication, including any activity or event which involves such communication (beyond information concerning the facts of incidents – see paragraph 6.1 below). It is for the Director of Communications to decide whether or not the publicity or activity proceeds.

Application: at all times

4 Visits to Brigade premises

- 4.1 The arrangements for visits to Brigade premises by members of Parliament (and GLA Assembly members, and London borough councillors) are set out in Policy number 295 - Procedure for visits to Brigade premises.
- 4.2 The policy also deals with the procedures for visits by someone who has announced their intention to stand as a candidate in an election.
- 4.3 Candidates have no special legal entitlement to visit LFC premises or address LFC employees. It is at the LFC's discretion how they treat requests by candidates to visit fire stations or other LFC premises. The LFC must however be even handed in its treatment and therefore the procedure set out in the policy must be applied at all times to all proposed visits by candidates.
- 4.4 Under no circumstances can the LFC's staff, premises or equipment be used for photographs of candidates or other publicity activities (or for any other activities which appear designed to achieve electoral support for a political party or person).
- 4.5 All requests for visits received direct at fire stations or elsewhere are to be notified to the Commissioner, the appropriate Head of Service or Assistant Commissioner, General Counsel and the Director of Communications. It is the head of service or assistant commissioner responsible for the premises who determines whether to allow the visit to go ahead.

Application: at all times

5 Staff occupying politically restricted posts

- 5.1 Most of the LFC's more senior staff occupy 'politically restricted posts'. The statutory rules and a list of staff to whom those rules apply are set out in a separate policy (Policy number 426 - Politically restricted posts and standing for elections).
- 5.2 Such staff must not stand for election for the House of Commons (or the European Parliament, the Scottish Parliament, the Welsh Assembly or a local authority), or act as an election agent or sub-agent for candidates at such elections. They must not be an officer of a political party, any branch of a political party or a member of any committee (or sub-committee) of such a party or branch if the duties require them to participate in the general management of the party or branch or act on their behalf in dealings with other people who are not members of the party or branch. Such staff must not canvass on behalf of a candidate or prospective candidate or political party, speak in public (which includes giving an interview) or publish any work they have written or edited with the apparent intention of affecting public support for a political party.

Application: at all times

6 Dealing with traditional and social media

- 6.1 In addition to the specific requirements in relation to publicity set out in paragraphs 2.4 to 2.9 above the procedures for liaising with the media on behalf of the LFC are set out in Policy number

425 - Contact with the media and online communications, and must be followed at all times. While information concerning the facts of an incident may be given by the officer in charge of an incident, all other requests for information, statements, comments or opinions about LFC policy or the broader national agenda must be referred immediately to the Press Office. All enquiries from national newspapers must be referred automatically to the Press Office. Any request for information or comment received direct by any member of staff (unless it relates to factual issues concerning a routine incident) must be referred immediately to the Press Office. Do not be pressurised into providing an immediate comment; take the journalist's details and contact the Press Office immediately.

- 6.2 So far as the use of the LFC's ICT equipment and social media are concerned Policy number 485 – ICT acceptable use policy must be followed at all times.
- 6.3 It is also vital that, in order to ensure compliance with the statutory Publicity Code (see paragraphs 2.6 to 2.9 above), the Director of Communications is consulted on all publicity which it is proposed to issue in the LFC's name.

Application: at all times

7 Events

- 7.1 No events are to take place during the pre-election period without the express permission of the Director of Communications.

Application: during election period

- 7.2 As part of the LFC's community fire safety and engagement initiatives local borough commanders will need to make arrangements for events in their local communities and will organise fire station open days and similar events. In doing so they should consult, and seek the support and guidance of, the Director of Communications, who can advise on the broader corporate implications which may need to be considered and may also determine that a planned event should not go ahead. It is therefore important to consult the Director of Communications before any commitment is entered into.
- 7.3 Major corporate events (such as pan-London events promoting core messages) and other events (such as implementation of new initiatives, media launches, opening of a new or refurbished fire station, participation in national events) are the responsibility of the Director of Communications who should be notified immediately of any such events.

Application: at all times

8 Sanctions

- 8.1 The contents of this policy are mandatory. It is intended to help staff to avoid pitfalls which may have serious consequences for them individually and for the London Fire Commissioner. For staff the consequences could be disciplinary or even, in some cases, criminal. For the LFC its conduct could be declared unlawful by a court. But it is also subject to scrutiny by the external auditor and the Local Government Ombudsman.

9 Advice

- 9.1 For further advice on the contents of this policy staff should in the first instance contact their head of department. They are welcome to seek further help as follows:

- Matters relating to the media, publicity, public relations and events - Director of Communications, Janine Mantle (07789 577 508).
- Legal issues – General Counsel, Kathryn Robinson (07717 157 866).
- Issues relating to the forthcoming elections - General Counsel, Kathryn Robinson (07717 157 866).

Document history

Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA		SDIA	L - 08/07/25	HSWIA	04/07/2025	RA	NA
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Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date
Page 2 Para 1.2, Page 3 Para 2.7, Page 5 Para 7.1 Page 6 Para 10	Reference to individual elections replaced by more general text to standardise policy. Please read through the relevant sections to familiarise yourself with the changes. Reviewed as current. Cancelled policies section removed.	04/03/2010
Throughout	Department names updated in accordance with the Top Management Review.	27/10/2011
Throughout	Minor formatting amendments and updating references to statutory guidance and legislation.	29/02/2012
Throughout Page 5	Minor formatting amendments and updating references to statutory guidance and legislation. Reference to the ICT Acceptable use policy in relation to the use of social media.	13/03/2013
Page 7	SIA date updated.	31/01/2014
Throughout	Head of Communications updated to Head of Media and Internal Communications.	10/02/2014
Page 7	Subjects list and Freedom of Information Act exemptions tables updated.	03/02/2015
Throughout	Removed Deputy Commissioner role and updated Head of Media and Internal Communications to Head of Communications from content.	29/05/2015
Throughout	Reviewed as current with no changes. EIA and SDIA dates updated.	13/05/2016
Throughout Page 3	Removed all reference to Authority and replaced with LFC Updated Head Communications to Assistant Director Communications Updated Head of Legal and Democratic Services to General Counsel Reference to Code of Recommended Practice on Local Authority Publicity to include (which applies to LFC)	02/08/2019
Page 4 Paras 4 and 4.1	Removed all reference to 'Authority' and replaced with 'Brigade'.	14/10/2020
Throughout	Updated title for Director of Communications from Assistant Director of Communications. Minor changes to contact numbers, removed referenced to 'Members'.	25/07/2022

Page/para nos.	Brief description of change	Date
Throughout	Update personnel details.	08/07/2025

Subject list

You can find this policy under the following subjects.

Elections	Special care

Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification