



## **Protocol for communications with the candidates for Mayor of the West Midlands, 20 February 2017**

### **1 Outline**

- 1.1 This protocol is designed to ensure that the candidates for the office of Mayor of the West Midlands are given all necessary and appropriate support during the campaign, whilst ensuring fairness and neutrality.
- 1.2 The election of a West Midlands Mayor on 4 May 2017 creates a new political role for the area and follows rapidly from the creation of the Combined Authority itself in June 2016.
- 1.3 It is important that the candidates for the office are able to access all relevant and appropriate information about how the new arrangements will work and the existing policies of the West Midlands Combined Authority (WMCA), to enable them to develop their manifesto for office and set out their political position to the electorate of the West Midlands.
- 1.4 It is also important that the officers of the Combined Authority and the constituent councils are able to prepare for the Mayor taking office and to be ready to take forward the priorities of the candidate elected, alongside those of the seven leaders who will work with them.
- 1.5 At the same time it is crucial that the Combined Authority, constituent councils and officers of the CA, the constituent councils and the LEPs remain strictly neutral and separated from the election process. All must avoid circumstances in which it would be reasonable to imply that:
  - a) The policies of one candidate or another are being endorsed or implemented, or
  - b) The campaign of one candidate or another is being unfairly assisted through the provision of information or advice.
- 1.6 The above does not apply to individual politicians, speaking or acting purely in a personal capacity, who may give their support to their preferred candidate.

### **2 Phases of the election**

- 2.1 This protocol comes into force on 20 February 2017. Between that date and the Notice of Election all its provisions will apply but we will be in a pre-election phase.
- 2.2 Following the Notice of Election on 23 March we will enter the “purdah” period and it will be particularly important for public officials and organisations to

avoid giving support and assistance to the candidates. During this period, direct contact with the candidates should cease, though the provision of information as described in section 3 may continue. This is the election period itself.

- 2.3 Also during the “purdah” period, local authorities, including the Combined Authority and the LEPs will be subject to the usual restrictions on the use of public resources for communications and on the activities of individual officers. Staff will be advised of these restrictions by their monitoring officer at the time.
- 2.4 From the approval of this protocol to the publication of the Statement of Persons Nominated, the candidates will be those who have been nominated by their party or have publicly declared their intention to run (“declared candidates”). After the Statement of Persons Nominated is published (on the 19<sup>th</sup> working day before the poll) they will be the “official candidates” listed within it.

### **3 Access to information**

- 3.1 All declared and confirmed candidates will be provided with information they request based upon the Freedom of Information Act standard of openness and transparency, without the need to submit an FOI request.
- 3.2 It should be remembered that the candidates, for the moment at least, are ordinary members of the public and the fact that they are running for election does not give them the right to access information in the same way as an elected official. Care should be taken not to divulge confidential information beyond the FOI threshold. If in doubt, advice should be sought as outlined below.
- 3.3 Contacts for information are listed in Appendix 1. Candidates should contact these named officers. Information will be supplied by email to the same address from which the request was sent and emails should be retained for reference. Information should not be sent by post.
- 3.4 When a declared or confirmed candidate is supplied with any information as described above, the same email should be copied to all other declared or confirmed candidates on the same date. This is to ensure that all candidates receive the same information and there is no suspicion of favouritism in the information provided.

### **4 Engagement between officials and candidates**

- 4.1 Contact between the candidates and officials will follow a similar set of rules as adopted in central government prior to General Elections – the Alex Douglas Home Convention (referred to as the Douglas-Home rules).
- 4.2 Contact will be with a named list of senior officers only, listed in Appendix 2.

- 4.3 During the period commencing when this protocol is approved and the Notice of Election on 23 March, declared candidates will be allowed a maximum of three meetings with any one of these officials. This is to avoid a candidate developing too close a working relationship with a particular official or the suspicion that an official is spending an undue amount of time with one or other candidate. However, there is no requirement for each candidate to have the same number of meetings with a particular official. Meetings will be requested by the declared candidate and not offered by the official.
- 4.4 Such meetings must not take place during the “purdah” period, i.e. after 23 March.
- 4.5 Such meetings should stick to discussion of the working arrangements of the Combined Authority and the organisational changes or resources that may be required to fulfil a policy that the candidate is interested in pursuing. They should be used to offer advice on the practicality of policy proposals. As stated in 3.2 it should be remembered that candidates remain members of the public and they do not have rights to access confidential information beyond the FOI threshold. Officers should therefore exercise great care in sharing information beyond that threshold during these meetings.
- 4.6 Meetings must not be used to agree to the commissioning of any project or programme or any other expenditure prior to the election.
- 4.7 Meetings will remain strictly confidential between the official and the candidate, save that the official may consult a small number of other officers in order to offer sound advice.
- 4.8 In particular, candidates must not divulge information received in these meetings publicly and officials must not divulge their conversations with one candidate to another candidate.
- 4.9 The Chair, Vice Chair, Chief Executive and Clerk of the Combined Authority must all be informed of all such meetings. The Clerk will maintain a register of meetings.
- 4.10 Officers of the CA or any of the constituent authorities who are politically restricted must take particular care not to engage with any of the declared or official candidates beyond the process described in this section. Advice on political restriction and participation in campaigns for non-politically restricted staff can be obtained from the Monitoring Officer of each constituent authority.
- 4.11 As stated in 1.6, this protocol is principally aimed at officers rather than councillors. However, councillors who have a specific role in relation to the Combined Authority or privileged access to information related to its work should take care when meeting with any candidate not to divulge confidential information. Candidates should be referred to the named officers if they wish to discuss CA business rather than political matters.

## **5 Engagement with government ministers and civil servants**

- 5.1 The CA and the constituent authorities have no jurisdiction over the conduct of civil servants, however it is to be expected that officials will follow the normal practice of not engaging with candidates for office in the run up to an election. Given that this is a local rather than national election, it is also not to be expected that any provisions for contact such as those in the Douglas-Home rules would be available to the candidates. This will therefore be a matter for the candidates in conjunction with Permanent Secretaries, rather than for this protocol.
- 5.2 Ministers engaged in official business, such as visits to the West Midlands representing their department, would not normally be expected to meet with candidates for local office. However, ministers acting in a private, political capacity may well do so. Such meetings are a matter for the minister concerned and the candidates and will not be subject to any publicity or other resources provided by government departments.
- 5.3 Candidates may engage with MPs who are not ministers as they see fit, in the same way as local politicians referred to in 1.6 above.

## **6 Public communications by the candidates, the CA, constituent authorities and LEPs**

- 6.1 The candidates must not publish in any form or at any time any information which they have received through confidential meetings with officials which is not already publicly available.
- 6.2 The CA and the constituent authorities must not publish in any form or at any time any information about the candidates or their policies (except for their name and the party they represent). Any such information must be removed from official web sites and other media as soon as this protocol takes effect.
- 6.3 The CA and constituent authorities may however publish information about the election, the post of Mayor and the names of the candidates (*but only after the Statement of Persons Nominated has been published*) in order to promote electoral registration and participation in the election. It may be easier to link to the Returning Officer's web site for official information.
- 6.4 Officials of the CA or the constituent authorities must not share a public platform with any of the declared or official candidates during the entirety of the pre-election and election period.
- 6.5 Politicians from CA constituent authorities must not share a platform with any of the declared or official candidates if they are representing the CA in any capacity, during the whole of the pre-election and election period.
- 6.6 The declared or official candidates must not be invited to take part in or attend any CA engagement or promotional activities during the whole of the pre-election and election period.

- 6.7 As stated in 2.3, communications and associated activities by all public authorities should operate under “purdah” guidelines between (and inclusive of) March 23 and May 4. This means in particular that CA and constituent authority resources must not be used for electoral purposes. This includes staff in photographs or videos and, for example communications equipment.
- 6.8 The CA and constituent authorities will retain the right to respond to factually incorrect statements made by any of the declared or official candidates. Statements that are intended to do this should be approved by the Chief Executive of the Combined Authority (or if they relate to one constituent authority the CEO of that authority) and the Returning Officer.

## **7 Further advice**

- 7.1 The returning officer and the elections officer for the Mayoral election (the Chief Executive and Head of Election Services of Birmingham City Council) will act as advisers on the interpretation of this protocol and on other matters to do with the process of the election itself. The elections officer should be contacted in the event of any uncertainty about how to apply this protocol or about the election process. Information will be available online about the election process to which all interested parties should be referred.
- 7.2 The Monitoring Officer of each local authority and the Combined Authority will provide advice on the rules with regard to communications and “purdah”.

## Appendix 1: Contact officers for information requests

Key Area	Contact Point	Contact Email	Contact Number
WMCA Chief Executive	Martin Reeves	<a href="mailto:Martin.reeves@coventry.gov.uk">Martin.reeves@coventry.gov.uk</a>	0247 6831383
WMCA Monitoring Officer	Keith Ireland	<a href="mailto:Keith.ireland@wolverhampton.gov.uk">Keith.ireland@wolverhampton.gov.uk</a>	01902 554500
Budget	James Aspinall	<a href="mailto:Jamesaspinall@centro.org.uk">Jamesaspinall@centro.org.uk</a>	0121 214 7600
Investment Plan	Paul Dransfield	<a href="mailto:Paul.dransfield@birmingham.gov.uk">Paul.dransfield@birmingham.gov.uk</a>	0121 3033356
Policy Paper Transport	Laura Shoaf	<a href="mailto:Laurashoaf@wmita.org.uk">Laurashoaf@wmita.org.uk</a>	0121 2147444
Policy Paper Economic Development	Sarah Middleton	<a href="mailto:Sarah_middleton@blackcountryconsortium.co.uk">Sarah_middleton@blackcountryconsortium.co.uk</a>	08458151515
Devolution Deals	Martin Reeves	<a href="mailto:Martin.reeves@coventry.gov.uk">Martin.reeves@coventry.gov.uk</a>	0247 6831383
Role of the Mayor	CA Programme Team	<a href="mailto:Rachel.ratcliffe@wolverhampton.gov.uk">Rachel.ratcliffe@wolverhampton.gov.uk</a>	01902 551969
Mayoral WMCA Order	CA Programme Team	<a href="mailto:Rachel.ratcliffe@wolverhampton.gov.uk">Rachel.ratcliffe@wolverhampton.gov.uk</a>	01902 551969

## Appendix 2: Permitted officers for meetings with candidates

Officer	Role	Email	Telephone
<b>Chief Executives of constituent authorities</b>			
Martin Reeves	CA Chief Executive	<a href="mailto:Martin.reeves@coventry.gov.uk">Martin.reeves@coventry.gov.uk</a>	0247 6831383
Martin Reeves	Lead on devolution	<a href="mailto:Martin.reeves@coventry.gov.uk">Martin.reeves@coventry.gov.uk</a>	0247 6831383
Sarah Norman	Lead on health and Mental Health Commission	<a href="mailto:Sarah.norman@dudley.gov.uk">Sarah.norman@dudley.gov.uk</a>	01384 815223
Jan Britton	Lead on Land and Housing	<a href="mailto:Jan_britton@sandwell.gov.uk">Jan_britton@sandwell.gov.uk</a>	0121 5693501
Paul Sheehan	Lead on Public Service Reform Board	<a href="mailto:Paul.sheehan@walsall.gov.uk">Paul.sheehan@walsall.gov.uk</a>	01922 652006
Nick Page	Lead on productivity, skills and employment	<a href="mailto:npage@solihull.gov.uk">npage@solihull.gov.uk</a>	0121 7046018
Keith Ireland	Clerk to the CA and CA Monitoring Officer (incl. CA organisation & development)	<a href="mailto:Keith.ireland@wolverhampton.gov.uk">Keith.ireland@wolverhampton.gov.uk</a>	01902 554500
<b>LEP Directors</b>			
Katie Trout	GBSLEP	<a href="mailto:Katie.trout@birmingham.gov.uk">Katie.trout@birmingham.gov.uk</a>	0121 3039867
Sarah Middleton	Black Country LEP	<a href="mailto:Sarah_middleton@blackcountryconsortium.co.uk">Sarah_middleton@blackcountryconsortium.co.uk</a>	08458 151515
Paula Deas	Coventry and Warwickshire LEP	<a href="mailto:Paula.deas@coventry.gov.uk">Paula.deas@coventry.gov.uk</a>	01926 418000
<b>CA officials</b>			
Laura Shoaf	Managing Director, Transport for West Midlands	<a href="mailto:Laura.shoaf@wmita.org.uk">Laura.shoaf@wmita.org.uk</a>	0121 214 7444
James Aspinall	Director of Finance	<a href="mailto:jamesaspinall@centro.org.uk">jamesaspinall@centro.org.uk</a>	0121 214 7600

