



PINS NOTE 07/2022

To: All Staff

Relevancy: All Staff

Date of Issue: 24 March 2022

May Elections 2022

Introduction

1. On **Thursday 5 May 2022**, elections will be taking place:
 - for 33 Metropolitan borough councils, 21 Unitary District Councils, and 60 District Councils in England; and
 - for all 32 London Boroughs, as well as 6 council mayoral elections and one combined authority mayoral election.

These elections are therefore different from a UK general election. The UK Government will remain in office whatever the outcome of the elections. UK Government Ministers will continue to carry out their functions in the usual way and be supported by their civil servants.

2. The government has issued [May 2022 elections: guidance on conduct for civil servants](#), which staff should follow. In particular, civil servants are under an obligation:
 - to ensure that public resources are not used for party political purposes; and
 - not to undertake any activity that could call into question their political impartiality (which also applies to online communication such as social media, in the same way as other activity).

The guidance includes a [list of elections taking place in May 2022](#), which is also reproduced at the end of this note. This note provides further information about the handling of all planning and other casework.

3. Elections will also be taking place for the Northern Ireland Assembly, all 32 local authorities in Scotland and all 22 local authorities in Wales, where tighter restrictions apply. Separate conduct guidance will be issued by the Northern Ireland Executive, Scottish Government and Welsh Government to civil servants working for the respective devolved administrations and their agencies and public bodies.

Action

4. During the pre-election period of **14 April 2022 to 5 May 2022**¹, special care should be taken in the three weeks preceding the elections. It is important that we continue essential and routine business where appropriate, having regard to the possibility of influencing the outcome of these elections. Consequently, particular care should be exercised during this period in relation to the announcement of sensitive decisions and to ensure that civil servants conduct themselves in accordance with the requirements of the Civil Service Code. Care should also be taken in relation to proposed visits.
5. Specific information for Inspectors about the handling of planning and other casework during the pre-election period is contained in the [Inspector Training Manual: Role of the Inspector, Annex A](#).
6. There are also restrictions on political activity (such as canvassing) by civil servants. Detailed guidance on the restrictions on civil servants' involvement in a private capacity in local and national political activities is set out in section 4.4 of the [Civil Service Management Code](#) as well as in [Chapter 5 of PINS' Staff Handbook](#). Any queries regarding acceptable political activity should be sent to HR via Hornbill.
7. **Decisions, reports or advisory letters must not be issued in cases or examinations where known candidates have made representations**, given the potential that the outcome could be used during the campaign period and so call into question the Planning Inspectorate's impartiality and reputation. Inspectors will therefore need to be especially mindful of cases where known candidates have made direct representations. They should also be alert during the pre-election period to prevent candidates or others seeking to use public inquiries, hearings or examinations as a platform to make electioneering points.
8. Where elections may potentially have a less direct effect on the outcomes to planning and other casework, such as any Neighbourhood Plan referenda, Inspectors may wish to seek the views of the Local Planning Authority and discuss the degree of sensitivity with their Inspector Manager (IM) and Professional Lead (PfL) in deciding whether to hold back a decision or recommendation.

In England

Secretary of State Casework (including Call-ins, Recovered Appeals, NSIP and Specialist Casework)

9. For casework where we make a recommendation / report to the Secretary of State, it will be for the Secretary of State to consider the implications of any decision released during this period of sensitivity, so reports should be submitted as usual. However, if Inspectors working on this casework wish to discuss any concerns, they should contact one of the PfLs for Planning Appeals or their IM.
10. As National Infrastructure Examinations are required to comply with a statutory time limit, once the Preliminary Meeting has been notified and the Examination Timetable has been set the examination is expected to run to the published timetable. If you have

¹ Special care will need to be exercised in relation to Northern Ireland from Monday 28 March 2022 for the elections to the Northern Ireland Assembly. Additionally, Councils will be observing restrictions on publicity in respect of the local elections from no later than Monday 28 March 2022.

concerns about arrangements for any event or the status of any Interested Parties (such as candidates standing in elections in England or Wales), please discuss these with the PfL for National Infrastructure.

Transferred Appeals

11. Routine work will continue according to the normal programme / target and decisions submitted for despatch in the usual way, subject to the considerations set out above. If, in an Inspector's judgement and following advice from their IM and their PfL, a decision may give rise to local or wider electoral sensitivities as described below, the decision must be held back and not issued. In such cases Inspectors should advise their case officers accordingly.
12. Matters which may give rise to sensitivities may include, though not exclusively, where there has been a local campaign or where the decision raises controversial issues like inappropriate and / or unauthorised development in the Green Belt; major green field housing; renewables; or any case where an emerging Neighbourhood Plan is referred to in evidence.
13. If an Inspector is in any doubt about how to proceed, they should consult with their IM and their PfL (whether allowing or dismissing) to establish the position. It is important that Inspectors consider this matter very carefully having regard to the government guidance as well as the content of this note.
14. Where the IM / PfL agree a decision should be held back, the decision should be held by the Inspector until the period of sensitivity is over. Case officers are aware of these arrangements and will ensure that any decisions held back are promptly issued once sent in by Inspectors after the election.
15. We will not proactively write to any individual party when a decision is held back. However, when elections occur, information is placed on the Planning Inspectorate's webpages on the GOV.UK website explaining the position and, if contacted about specific cases, case officers should relay the website message.

Local Plan Examinations

16. All scheduled local plan examinations and hearing sessions will continue during the pre-election period and new examinations will also begin.
17. However, to avoid making announcements that could be politically sensitive, the Planning Inspectorate and Inspectors will not be issuing any letters regarding the soundness or legal compliance of local plans, or final reports (including for fact check²), from the start of the official pre-election period until after the election. Our position has been agreed in consultation with DLUHC as our sponsor department.
18. Some Councils operate a longer pre-election period and Inspectors, through the Programme Officer, should now liaise with Local Planning Authorities in those areas holding elections (or cross-border areas) about the publication of any material that

² The fact check report is the version of the report the Planning Inspectorate sends to the LPA to check for factual errors or inconsistencies. The final report is issued after this process has been completed.

could be seen as sensitive ahead of the elections, as well as the Local Plans Team in regard to the issue of fact-check and final reports.

Contacts for further information

19. Please contact [Knowledge Centre](#) if you have any general queries on this note.
20. For case-specific queries, Inspectors should contact their IM in the first instance. The IM may raise the matter with the relevant Pfl if necessary.
21. Non-salaried Inspectors should approach the Resource and Process Ownership Team with any queries in the first instance.

List of elections taking place in May 2022

National elections

All 18 constituencies in Northern Ireland

- East Antrim
- North Antrim
- South Antrim
- Belfast East
- Belfast North
- Belfast South
- Belfast West
- North Down
- South Down
- Fermanagh and South Tyrone
- Foyle
- Lagan Valley
- East Londonderry
- Newry and Armagh
- Strangford
- West Tyrone
- Mid Ulster
- Upper Bann

Local elections

Metropolitan borough election by whole council (2)

- Birmingham
- Rochdale

Metropolitan borough election by thirds (31)

- Barnsley
- Bolton
- Bradford
- Bury
- Calderdale
- Coventry
- Dudley
- Gateshead
- Kirklees
- Knowsley
- Leeds

- Manchester
- Newcastle upon Tyne
- North Tyneside
- Oldham
- Salford
- Sandwell
- Sefton
- Sheffield
- Solihull
- South Tyneside
- St Helens
- Stockport
- Sunderland
- Tameside
- Trafford
- Wakefield
- Walsall
- Wigan
- Wirral
- Wolverhampton

Unitary District Councils electing by whole Council (5)

- Cumberland^[footnote 4]
- North Yorkshire^[footnote 3]
- Reading
- Somerset^[footnote 3]
- Westmorland and Furness^[footnote 3]

Unitary District Councils electing by thirds (16)

- Blackburn with Darwen
- Derby
- Halton
- Hartlepool
- Kingston upon Hull
- Milton Keynes
- North East Lincolnshire
- Peterborough
- Plymouth
- Portsmouth
- Slough
- Southampton
- Southend-on-Sea
- Swindon
- Thurrock

- Wokingham

District Councils election by whole council (4)

- Huntingdonshire
- Newcastle-under-Lyme
- South Cambridgeshire
- St. Albans

District Councils election by half council (7)

- Adur
- Cheltenham
- Fareham
- Gosport
- Hastings
- Nuneaton and Bedworth
- Oxford

District Councils election by thirds (49)

- Amber Valley
- Basildon
- Basingstoke and Deane
- Brentwood
- Broxbourne
- Burnley
- Cambridge
- Cannock Chase
- Castle Point
- Cherwell
- Chorley
- Colchester
- Crawley
- Eastleigh
- Elmbridge
- Epping Forest
- Exeter
- Harlow
- Hart
- Havant
- Hyndburn
- Ipswich
- Lincoln
- Maidstone
- Mole Valley

- North Hertfordshire
- Norwich
- Pendle
- Preston
- Redditch
- Reigate and Banstead
- Rochford
- Rossendale
- Rugby
- Runnymede
- Rushmoor
- Stevenage
- Tamworth
- Tandridge
- Three Rivers
- Tunbridge Wells
- Watford
- Welwyn Hatfield
- West Lancashire
- West Oxfordshire
- Winchester
- Woking
- Worcester
- Worthing

Combined Authority Mayoral Elections (1)

- Sheffield City Region

Council Mayoral Elections (6)

- Croydon
- Hackney
- Lewisham
- Newham
- Tower Hamlets
- Watford

All 32 local authorities in Scotland

- Aberdeen City Council
- Aberdeenshire Council
- Angus Council
- Argyll and Bute Council
- City of Edinburgh Council
- Clackmannanshire Council

- Comhairle nan Eilean Siar
- Dumfries and Galloway Council
- Dundee City Council
- East Ayrshire Council
- East Dunbartonshire Council
- East Lothian Council
- East Renfrewshire Council
- Falkirk Council
- Fife Council
- Glasgow City Council
- Inverclyde Council
- Midlothian Council
- North Ayrshire Council
- North Lanarkshire Council
- Orkney Islands Council
- Perth and Kinross Council
- Renfrewshire Council
- Scottish Borders Council
- Shetland Islands Council
- South Ayrshire Council
- South Lanarkshire Council
- Stirling Council
- The Highland Council
- The Moray Council
- West Dunbartonshire Council
- West Lothian Council

All 22 local authorities in Wales

- Blaenau Gwent
- Bridgend
- Caerphilly
- Cardiff
- Carmarthenshire
- Ceredigion
- Conwy
- Denbighshire
- Flintshire
- Gwynedd
- Isle of Anglesey
- Merthyr Tydfil
- Monmouthshire
- Neath Port Talbot
- Newport
- Pembrokeshire
- Powys

- Rhondda, Cynon, Taf
- Swansea
- Torfaen
- The Vale of Glamorgan
- Wrexham

Elections will also take place to some town and parish councils. Local Authorities (unitary councils, and district councils in two-tier county areas) can identify which town and parish councils are being elected to.

3. The Publicity Code is issued under powers conferred on the Secretary of State under section 4(1) of the Local Government Act 1986 ('the 1986 Act'). Local authorities, defined in section 6(2) of the 1986 Act, are required by section 4(1) of the 1986 Act to have regard to the Publicity Code in coming to any decision on publicity. Publicity is defined in section 6(4) of the 1986 Act as 'any communication, in whatever form, addressed to the public at large or a section of the public'. Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums. <https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>

4. Draft legislation is currently before Parliament which will, if approved: dissolve the County and district councils in the current Cumbria County Council area, replacing them with two unitary councils (Cumberland, and Westmorland and Furness); dissolve the district councils in North Yorkshire and Somerset, replacing them with a unitary council each for these County Councils' areas. Preceding legislation had already postponed the County elections in these areas until May 2022; therefore, elections will take place in these county areas regardless of the legislative outcome.