

Neighbourhood Planning Guidance Note

Neighbourhood Plan Referendum
Publicity (Campaigning) and Expenses

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Introduction

This guidance note sets out the key issues and legislation that apply in relation to referendum publicity and expenses. The note outlines the Council's understanding of the current restrictions placed on all tiers of local authority including parish and town councils acting as qualifying bodies in relation to neighbourhood plans. The guidance also applies to neighbourhood plan steering groups formed as subcommittees of the qualifying body.

East Devon District Council is not responsible for the actions of individual local authorities within the district. Local authorities should ensure that their practice adheres to current national standards and where necessary take independent advice prior to any referendum publicity campaign or expenditure.

Publicity

Parish and town councils, as local authorities, are subject to [s4\(1\) of the Local Government Act 1986](#) establishing the requirement to adhere to the [Code of Recommended Practice on Local Authority Publicity](#) ("the Code"). The Code should be used as the key reference relating to publicity. The guidance contained in this note provides a brief overview only and should not form the basis of practice.

Principles of the Code

Publicity by local authorities should:-

- be lawful
- be cost-effective
- be objective
- be even-handed
- be appropriate
- have regard to equality and diversity
- be issued with care during periods of heightened sensitivity (28 days prior to the date of the referendum)

Publicity Restrictions

Publicity within the 28 day period prior to the date of the referendum (excluding weekends, bank holidays and public holidays) is restricted by Section 125 of the Political Parties, Elections and referendums Act 2000.

(1) Restrictions apply to publicity (whatever the medium used) which-

- (a) provides general information about a referendum;
- (b) deals with any of the issues raised by any question on which such a referendum is being held;
- (c) puts any arguments for or against any particular answer to any such question; or
- (d) is designed to encourage voting at such a referendum.

(2) The above material should not be published or broadcast in the 28 days prior to a referendum by a local authority or any other person whose expenses are defrayed wholly or mainly out of public funds or by any local authority.

(3) This restriction does not apply to-

- (a) material made available to persons in response to specific requests for information or to persons specifically seeking access to it;
- (b) anything done by or on behalf of the Commission or a person or body designated under section 108 (designation of organisations to whom assistance is available);
- (c) the publication of information relating to the holding of the poll; or
- (d) the issue of press notices.

Paragraph 16 of the Code also provides for publicity to address erroneous material:

“...It is acceptable for local authority publicity to correct erroneous material which has been published by other parties, despite the fact that the material being corrected may have been published with the intention of influencing the public’s opinions about the policies of the authority. Such publicity should seek to explain the facts in an objective manner.”

Expenses

[The Neighbourhood Planning \(Referendums\) Regulations 2012](#) set out the referendum expenses limit available to campaign organisers. Section 6 of the Regulations allows a maximum limit of £2,362 plus £0.059 for each entry in the relevant register of electors. East Devon District Council publishes an Information Statement for each neighbourhood plan referendum outlining the exact amount available for each area. Campaigners should however be mindful of the restrictions set by the Code for campaigning in the 28 days preceding the referendum date.

[Schedule 2 of the Neighbourhood Planning \(Referendums\) Regulations 2012](#)

defines the referendum expenses as:-

- Advertising of any nature (whatever the medium used)
- Unsolicited material addressed to voters
- Material which provides general information about the referendum
- Material which deals with any of the issues raised by the question to be asked at the referendum
- Material which puts any arguments for or against a particular answer to the question to be asked at the referendum
- Market research or canvassing conducted for the purposes of ascertaining voting intentions
- The provision of any property, services or facilities in connection with press conferences or other dealings with the media
- Transport (by any means) of persons to any place or places with a view to obtaining publicity in connection with a referendum campaign

- Rallies and other events, including public meetings organised so as to obtain publicity in connection with a referendum campaign or for other purposes connected with a referendum campaign

Where any referendum expenses are incurred in excess of the referendum expenses limit, a person who knew or ought reasonably to have known that that limit would be exceeded, or who, without reasonable excuse, authorises another person to exceed that limit, is guilty of an offence and potentially liable to a fine of up to £5,000 and / or imprisonment for a term not exceeding 12 months.

We advise in all cases that the Code of Recommended Practice on Local Authority Publicity and the Neighbourhood Planning (Referendum) Regulations 2012 should be adhered to for any publicity or campaigning activity.