Neighbourhood Plan Referendum Publicity (Campaigning) and Expenses Note

The note set out below is the Council’s understanding of the current position and is given in good faith, but any individual group or parish council should satisfy itself that any actions are consistent with relevant guidance and regulations and may wish to take its own advice on these matters.

Publicity

Section 5 of the Neighbourhood Planning (Referendums) Regulations 2012 places restrictions on publication of promotional material in relation to a Neighbourhood Planning Referendum.

This restricts the “relevant council” (Daventry District Council) from producing any material that provides general information about the referendum; that deals with any of the issues raised by the question to be asked at referendum; or puts any arguments for or against a particular answer to that question during the referendum period.

However this does not apply to material that is required to be made available as set out in section 4 of the Neighbourhood Planning (Referendums) Regulations 2012 which includes;

- an information statement
- the draft neighbourhood plan
- the examiner’s report
- a summary of representations received at submission stage
- a statement setting out that the local planning authority are satisfied the plan meets the basic conditions
- a statement setting out general information as to town and country planning and neighbourhood planning. Nor does it apply to the publication of press notices containing factual information where the sole purpose is to refute or correct any inaccuracy in material published by any other person.

Further to the above the Council can publish press notices containing factual information where the sole purpose of their publication is to refute or correct any inaccuracy in material by a person other than the relevant council.

Town and Parish Councils are not the “relevant council” (as defined in paragraph 14 (3) of Schedule 4B to the 1990 Act) and are therefore not directly restricted by the 2012 Neighbourhood Planning (Referendum) Regulations 2012.
The District Council is not directly responsible for the actions of an individual Town or Parish Council. However Town and Parish Councils are required by Section 4(1) of the Local Government Act 1986 to have regard to The Code of Recommended Practice on Local Authority Publicity (pdf). The code pre-dated the introduction of Neighbourhood Plans however a part which is considered to be relevant and thus should be taken into account says:

“In general, local authorities should not issue any publicity which seeks to influence voters. However this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support or oppose a question put at a referendum. It is acceptable to publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject of the vote”

Expenses

A campaign organiser, either an individual or group wishing to conduct a campaign with a view to promoting or procuring a particular outcome in relation to the question to be asked in the referendum is subject to an expenses limit.

Sections 6 and 7 of the Neighbourhood Planning (Referendum) Regulations 2012 set out the limit that may be spent on referendum expenses and the penalty for non-compliance. A maximum of £2,362 plus £0.059 for each entry in the relevant register of electors may be spent by campaign organisers in connection with a referendum campaign. The exact amount allowed for each referendum area will be published in the Information Statement or may be obtained from DDC’s Electoral Services team – email electoralservices@daventrydc.gov.uk or call 01327 871100.

Schedule 2 of the Neighbourhood Planning (Referendum) Regulations 2012 (as amended) states that expenses mean the expenses incurred by or on behalf of any individual or body during the referendum period in relation to:

- Advertising of any nature
- Unsolicited material addressed to voters
- Information about the referendum, information about the question, arguments for and against
- Market research or canvassing
- Provision of any property, services or facilities in connection with press conferences or dealings with the media
- Transport (by any means) of persons to anywhere with a view to obtaining publicity in connection with a referendum campaign

- Rallies and other events, including public meetings.

- Expenses also include any notional expenses, where property, services or facilities are provided free of charge or at a discount.

The referendum period starts on the date which the information statement is published. This is not fewer than 28 days before the date on which the referendum will be held. The referendum period ends on the date on which the referendum is held.

Campaigning groups are encouraged to register with and submit a statement of expenses to the Counting Officer via Electoral Services, Daventry District Council, Lodge Road, Daventry, NN11 4FP

It is an offence for a campaign organiser to exceed the referendum expenses limits and if found guilty would be liable to a fine of up to £5,000 and/or imprisonment of up to 12 months.

Version 1 – October 2016