



Neighbourhood Plan Referendums

**Guidance notes for councillors and
campaigners**

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1 Introduction

1.1 This guidance outlines the key issues that apply in relation to publicity during the period leading up to any Neighbourhood Plan Referendum (NPR), as well as the processes that will be followed for the poll itself – which will be conducted in accordance with procedures that are similar to those used at local government elections.

1.2 This guidance also deals with specific restrictions in relation to any individual's role as an elected or co-opted councillor.

1.3 The guidance will cover information in relation to restrictions on how much may be spent by campaigners by way of expenses incurred in the conduct of a campaign either in support of, or in opposition to, the referendum question.

1.4 The term 'Council' means Test Valley Borough Council and the relevant Town/Parish Council.

1.5 The term 'Councillors' means Borough Ward, Town and Parish Councillors unless stated otherwise.

2 The Counting Officer and his staff

2.1 The Chief Executive of Test Valley Borough Council is the Counting Officer for any Neighbourhood Planning Referendum held within the Borough.

2.2 Any queries regarding the Referendum process or the Register of Electors should be made to the Electoral Services office at Test Valley Borough Council (details in Part 10 on page 8), where the team will be happy to help.

3 Timetable

3.1 The timetable for a NPR is statutory and therefore the dates and times for will be adhered to absolutely. All notices that are published will be made available on the NPR pages of our website.

3.2 Once the Planning Authority makes the formal decision that a Referendum is to be held, the poll must take place within 56 working days from the day after that decision is made.

3.3 On occasion, it may be possible that a NPR is delayed in order to be combined with another scheduled poll that is coming up. If this is the case, this will be communicated to all relevant parties.

3.4 The Notice of Referendum will be published by the Counting Officer on Test Valley Borough Council's website and at our Andover and/or Romsey offices, no later than the twenty-fifth working day before the poll, and will state:

- The date of the poll
- The date by which absent vote applications need to be made by

- The date by which applications for registration must be made by.

3.5 Following the publication of the Notice of Referendum, poll cards will be sent to all eligible electors on the Register of Electors for the Neighbourhood Plan area, and will provide the same information as shown in 3.4 above.

3.6 The Notice of Poll will be published by the Counting Officer no later than the sixth working day before the date of the NPR, and will state:

- The date and hours of the poll
- The question to be asked in the NPR

3.7 Any campaigners that are known to Electoral Services will automatically be provided with a copy of the Notice of Poll, as well as this being made available on our website and at our offices in Andover and/or Romsey.

3.8 The NPR will be held on the day set for the poll and, where possible, the polling station(s) to be used will be the same as that which are used at other elections. If the usual venue is not available, then a suitable alternative will be found and communicated to those electors affected.

4 Postal Voting

4.1 Applications from electors to be issued with postal votes (including postal proxies) should be scanned and emailed to the Electoral Registration Officer at postal.voting@testvalley.gov.uk, or posted to Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ and must reach him not later than **5pm on the eleventh working day before the poll** – this is the last day for both new applications to vote by post and to change existing absent vote details (e.g. cancellation, redirection of ballot papers, etc).

4.2 Postal ballot papers will usually be opened at Beech Hurst, Andover on the day of poll, but this information will be communicated to the relevant persons once this is confirmed. Depending on the number of postal votes received, there may be additional/ opening sessions prior to polling day and, should this be necessary, the relevant persons will be notified by the Returning Officer at least 48 hours in advance.

4.3 Attendance at the postal vote opening session(s) is strictly limited. Apart from the Counting Officer and his staff, only the following are permitted to attend the opening of postal votes:

- The Chief Counting Officer (if any);
- Counting observers (see below)
- Accredited electoral observers
- Electoral Commission representatives

‘Counting observers’ must first be appointed to observe the count before they are entitled to observe any postal vote opening sessions: they may only attend postal vote openings by virtue of having been appointed as counting observers for the count. Information about how to appoint counting observers will be provided by Electoral Services at the appropriate time.

5 Proxy Voting

5.1 Applications from electors to vote by proxy should be scanned and emailed to the Electoral Registration Officer at postal.voting@testvalley.gov.uk, or posted to Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ and must reach him not later than **5pm on the sixth working day before the poll**.

5.2 A person is not entitled to vote as a proxy at the same NPR on behalf of more than two electors who are not close relatives.

6 The Count

6.1 The Counting Officer has a duty to appoint counting observers and will give those appointed written notice of the time and place of the count. There is no specified minimum number that the Counting Officer must appoint and it is his decision as to who to appoint however, where possible, contact will be made with the relevant campaign organisers and ask them to put forward volunteers for appointment.

6.2 Unlike counting agents at elections, referendum counting observers do not have the power to request a recount.

6.3 The count will usually be held after the close of poll at 10pm in the polling station/one of the polling stations allocated for the poll.

6.4 A simple majority of votes (over 50% of those voting) in favour of the Neighbourhood Plan is sufficient for it to succeed.

6.5 If there is an equality of votes between the two answers, the result is that there is no majority in favour of the making of the plan or order. A statement to that effect would, in this case, be added to the notice of result.

6.6 As soon as the Counting Officer is satisfied that the figures are accurate, he will make the declaration of result, which will give the number of ballot papers counted, the total number of votes cast for each answer and the number of rejected ballot papers separated into each reason for rejection.

7 Publicity

7.1 The Neighbourhood Planning (Referendum) Regulations 2012 (section 5) prohibits the planning authority or the relevant council from publishing any promotional material other than that required to be published under Section 4 (Information Statement and specified documents, or factual information about the referendum) during the referendum period.

7.2 The relevant council, or the local planning authority for the referendum area, where that is not the relevant council, cannot publish any such information, during the referendum period.

However, they can publish press notices containing factual information where the only purpose of the publication is to refute or correct any inaccuracy in materials published by a person other than the relevant council.

7.3 This period runs from the publication date of the information statement (a minimum of 28 working days before the date of the referendum) to the declaration of result, following the referendum.

7.4 The reason for restrictions during the referendum period is not to prevent the council carrying out its normal business, but to prevent council business carried out during the referendum period being used to secure advantage for a referendum campaign.

7.5 The meaning of publicity is wide and includes any communication, in whatever form, addressed to the public as a whole or to a section of the public.

7.6 The law does not allow a Council to publish or to assist others to publish material, which appears to be designed to affect public support for a referendum campaign. The intention behind the publication does not matter – what is important is whether it ‘appears’ to be designed to affect support. This covers broadcast items, as well as written material.

7.8 It can cover printing, even if the same information published at another time would be considered reasonable. It is safer to avoid giving support and facilities for campaign material during the referendum period.

7.9 The use of council resources for referendum campaign or party political purposes covers not only the publication of campaigning material but also any other activity intended to promote purely campaign or party political interests. Examples include the use of the council’s postal system to distribute campaign material or sending out material using the council email address, use of staff time to carry out research to assist in promoting a campaign.

7.10 All councillors must comply with the provisions of the adopted Code of Conduct.

7.11 Councillors may create their own publicity, provided that council resources are not used. The definition of council resources includes: IT, telephones, fax machines, photocopiers, stationery, headed notepaper, postage, transport and staff time.

7.12 Council business will continue during a referendum period. This includes publicity around normal business and events. However this must be carefully thought through to ensure that council resources are not used in any way in relation to the referendum.

7.13 Councillors representing the referendum area should not be quoted in any press releases issued (if any) relating to the referendum.

7.14 No posters or leaflets promoting a yes or no vote must be displayed on council premises (including street furniture) or vehicles.

7.15 Views on the referendum question, which could be seen as in favour of or against the proposal, must not be published by the council.

7.16 Any communication issued by the council should not support or oppose the referendum question.

- Councillors representing the neighbourhood plan area need to maintain a clear distinction between their duties as a serving councillor and their involvement with any referendum campaign group. For example, they should guard against giving any impression of use of Council resources for referendum or private purposes or giving the impression they are acting in their capacity as a Councillor.
- During the referendum period councillors may continue to deal with ward work and represent their constituents.
- Particular care must be taken by councillors who hold positions of responsibility within the Council where, by virtue of their role, they could be seen to be supporting or opposing a referendum question.

8 Campaigners and Campaigning

8.1 Individuals or groups wishing to campaign for a particular outcome in a referendum need to have regard to the general restrictions on referendum expenses (see Part 9) and to ensure that any publicity material is correctly attributed.

8.2 Campaign groups are asked to register with Electoral Services. This is important as campaign groups have a requirement to submit a statement of expenses to Electoral Services.

8.3 There are requirements for the details of the name and address of the printer and promoter to appear on any campaign material. It is the responsibility of the campaign group to ensure that their activities comply with legal requirements.

9 Key points around expenses

9.1 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 can be obtained from Electoral Services.

9.2 Although these notes refer to 'expenses', these are not refundable and you will not be reimbursed for any expenditure made.

9.3 Expenses means 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.

9.3 Expenses also include any notional expenses, where property, services or facilities are provided free of charge or at a discount and must be entered upon a statement of expenses.

9.4 Campaigners are entitled, on giving reasonable notice, to use meeting rooms maintainable out of public funds, providing there is no impact on the normal use of the room and as long as they meet the cost of the room payable at the commercial rate, including the cost of preparation, heating, lighting, staffing and similar costs and costs of damages. It is legitimate to use staff time to facilitate a booking.

9.5 It is an offence for a campaign organiser to exceed the referendum expenses limits and if found guilty they would be liable to a fine of up to £5000 and/or imprisonment of up to 12 months.

10 Electoral Services contact details

10.1 Electoral Services can be contacted at Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ; on 01264 368021 or elecereg@testvalley.gov.uk