



Neighbourhood Planning Referenda

A guide for councillors and campaigners covering:-

- Restrictions on publicity during the referendum period;
- Limits on expenses.

1.0 Introduction

This guidance outlines the key issues that apply in relation to publicity during the period leading up to any neighbourhood plan referendum.

This “pre-referendum” 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.

This guidance deals with specific restrictions in relation to any individual’s role as an elected councillor, particularly councillors representing an area for which a referendum is being held.

The guidance also deals with 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.

The term “**councillor(s)**” means any Bristol City Council Councillor and the term “**council**” means Bristol City Council.

2.0 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” (Bristol City 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 the 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](#) (the ‘Regulations’) 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; and
- 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.

2.1 Key points around publicity

- All councillors must comply with the provisions of the adopted Code of Conduct.
- Ward councillors may create their own publicity, provided that council resources are not used. Resources of a campaign group may be used to create publicity.
- 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.
- Councillors should not be quoted in any press releases issued (if any) relating to the referendum.
- No posters or leaflets promoting a yes or no vote must be displayed on council premises (including street furniture) or vehicles.
- Views on the referendum question, which could be seen as in favour of or against the proposal, must not be published by the council.
- 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.
- 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 Bristol City Council where, by virtue of their role, they could be seen to be supporting or opposing a referendum question.

3.0 Campaigning 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 Regulations set out the limit that may be spent on referendum expenses and the penalty for non-compliance.

Schedule 2 of the Regulations states the meaning of expenses and what they relate to.

3.1 Key points around expenses

- 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 twenty-eight working days before the date of the referendum.

- 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.
- 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.
- **Campaign groups are asked to register with and submit a statement of expenses to Electoral Services. This is important as campaign groups are entitled to receive electoral registers and three alteration notices during the referendum campaign.**
- 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.