



BETLEY, BALTERLEY AND WRINEHILL NEIGHBOURHOOD PLANNING REFERENDUM

THURSDAY 16 DECEMBER 2021

- **GUIDANCE FOR CAMPAIGNERS**
- **RESTRICTIONS ON PUBLICITY DURING THE REFERENDUM PERIOD**
- **LIMITS ON EXPENSES**

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- Secrecy requirements at elections: Section 66 of the Representation of the People Act 1983 (as amended) for postal voting, the poll and the count
- Campaign group registration form

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Introduction

This guidance pack is designed to help campaigners and local councillors on the Neighbourhood Planning Referendum for Betley, Balterley and Wrinehill which is being held on Thursday 16 December 2021.

It is imperative that you are aware, in advance, of the very strict legal rules you must follow when campaigning on a Neighbourhood Planning Referendum. The information contained in this pack, will help you understand the requirements which you must follow for your campaign.

This guidance outlines:

- the key issues that apply in relation to publicity during the period leading up to any Neighbourhood Plan Referendum. This period runs from the publication date of the information statement (8 November 2021) to the date of the referendum;
- specific restrictions for Newcastle-under-Lyme Borough Council and its employees and in relation to any individual's role as an elected or co-opted councillor on Betley, Balterley and Wrinehill Parish Council; and restrictions on how much may be spent by campaigners by way of expenses incurred in the conduct of any campaign either in support of or in opposition to the referendum question.

Whilst my colleagues and I will help you as much as possible, it is my duty as Counting Officer to conduct the referendums in accordance with appropriate laws, rules and regulations. It is important that you are aware that it is our responsibility to comply with these at all times.

Please note that the guidance and information in this pack must not be regarded as legally definitive and you are advised to seek your own legal advice if you are in any doubt.

If you have any general queries regarding the Neighbourhood Planning Referendum process please do not hesitate to contact the Elections Team on 01782 742249.

Martin Hamilton

Counting Officer, Newcastle-under-Lyme Borough Council

1 How to use this guide

- 1.1 This guide provides you with information about the Neighbourhood Planning Referendums and is to be used in conjunction with the Neighbourhood Planning (Referendums) Regulations 2012.
- 1.2 The Neighbourhood Planning (Referendum) Regulations 2012 (as amended) cover all aspects of organising and conducting the referendum, including campaigning. The referendums will be conducted in accordance with procedures which are similar to those used at local government elections.
- 1.3 Responsibility for organising the referendum rests with the "relevant council" (usually the district or borough council). For the Betley, Balterley and Wrinehill Neighbourhood Planning Referendum the relevant council is Newcastle-under-Lyme Borough Council. As the relevant council, Newcastle-under-Lyme Borough Council has a duty to make general information on town and country planning, including neighbourhood planning, and the referendum available to voters. The objective is to help ensure that voters have sufficient knowledge to make an informed decision should they choose to vote. However, Newcastle-under-Lyme Borough Council is prohibited from publishing promotional material during the referendum period.
- 1.4 Campaign observers are entitled to attend various events during the Referendums timetable e.g. postal vote opening sessions, polling stations and the count. Further detailed information about observing is contained in this guide.
- 1.5 The advice contained in this pack is intended to **guide** campaigners. It should not be relied on as legally definitive and the Counting Officer cannot accept any responsibility for any errors or omissions, or any act arising from them. If campaigners have any doubts about a particular point they are strongly recommended to consult the appropriate legislation and seek their own legal advice.

2 Campaigning

- 2.1 Individuals, groups of individuals or organisations can campaign for a particular outcome in relation to the question to be asked in the referendum.
- 2.2 There is no provision in the legislation to register as a campaigner or campaign group in a neighbourhood planning referendum. However, in the run up to the referendum rules apply in respect of campaigning and spending which you must follow. You will also need to apply to observe certain aspects of the poll to the Counting Officer (see below). Whilst there is no legal provision to register as a campaigner or campaign group, you are encouraged to register with us (using the form attached to this guidance) to enable us to formally recognise you when considering applications for observing the poll.

3 Campaigning and publicity by Newcastle-under-Lyme Borough Council, Betley, Balterley and Wrinchill Parish Council, Councillors and campaign groups

- 3.1 There are restrictions that apply to the publication of material during the referendum period (commences when the information statement is published and closes once the result is declared) which:
 - provides general information about the referendum;
 - deals with any of the issues raised by question to be asked in the referendum; or
 - puts any arguments for or against a particular answer to that question.
- 3.2 Newcastle-under-Lyme Borough Council cannot publish any such information highlighted above, during the referendum period.
- 3.3 The restrictions that apply to the publication of material during the referendum period also apply to parish councils. Section 1 of the Code of Recommended Practice on Local Authority Publicity states that the code applies to all local authorities in England specified in Section 6 of the Local Government Act 1986, of which a parish or community council is specified.
- 3.4 A parish council even when acting as the qualifying body cannot put any arguments for the plan, provide general information or deal with any issues raised by the referendum following the publication of the information statement.
- 3.5 For clarification publicity can take the form of speeches, interviews, items on council's websites or notice boards, press releases, newsletters, leaflets, newspaper articles issued by or behalf of a council and publicity issued by organisations on council funds.
- 3.6 However, the relevant council or local planning authority and parish council 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.
- 3.7 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.

4 Campaigning dos and don'ts

4.1 You should:

- Use imprints on all your printed campaign material and any electronic campaign material that is designed to be printed off locally. See below for more information.
- No campaign posters or leaflets must be displayed on Council notice boards, premises (including street furniture etc), or vehicles.
- Make sure that outdoor posters are removed promptly after the referendum – you must do this within two weeks of the close of the poll

4.2 You should:

- Include an imprint on all non-printed campaign material, including websites.
- Consider how to make your campaign accessible to people who are visually impaired, have learning difficulties or low literacy skills, or whose first language isn't English or, in Wales, Welsh. You may want to make contact with disability groups in your local area for advice.

5 Campaign and Referendum Expenses Limit

5.1 The Neighbourhood Planning (Referendum) Regulations 2012 (Sections 6 and 7), sets out the limit that may be spent on referendum expenses and the penalty for non-compliance.

5.2 Under the legislation, you must follow the rules and limits on referendum expenses. A maximum of £2,362 plus £0.059 for each entry in the 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.

Referendum expenses relate to any expenses incurred by the campaign organiser during the referendum period (commences when information statement is published) for referendum purposes which include the following:

- advertising of any nature (whatever the medium used);
- unsolicited material addressed to voters (whether addressed to them by name or intended for delivery to households within any particular area or areas);
- any material of a description referred to in Regulation 5(1);
- market research or canvassing conducted for the purposes of ascertaining voting intentions;
- provision of any property, services or facilities in connection with press conferences or other dealings with media;
- transport of persons to any places or places with a view to obtaining publicity with referendum campaign⁸⁸; and
- rallies and other events, including public meetings organised to obtain publicity in connection with a referendum campaign.

- 5.3 Referendum expenses do not extend to any expenses in respect of:
- any property, services or facilities so far as those expenses fail to be met out of public funds;
 - remuneration or allowances payable to any member of staff of the campaign or campaign organiser; and
 - traveling expenses, accommodation costs or any other personal needs for an individual.
- 5.4 Expenses also include any notional expenses, where property, services or facilities are provided free of charge or at a discount.
- 5.5 The Neighbourhood Planning (Referendums) Regulations 2012 sets out the requirements and restrictions on referendum expenses and campaigners should make themselves aware of these limitations.

Campaigning groups are encouraged to register with and submit a statement of expenses to the Counting Officer via Electoral Services, Newcastle-under-Lyme Borough Council, Castle House, Barracks Road, Newcastle-under-Lyme ST5 1BL. A registration form is attached.

6 Campaign Observers

Appointment of polling agents

- 6.1 The role of polling observers is to attend polling stations for the purposes of detecting personation.
- 6.2 You must apply in writing to the Counting Officer to be a polling observer by 4.00pm on Thursday 9 December 2021 and the notice must contain your address. A form for applying to be a polling observer is attached.

Appointment of Counting Observers

- 6.3 Counting observers are appointed by the Counting Officer to observe the counting of the votes and the verification of the ballot paper account.

The verification and the counting of the votes will take place at the Betley Village Hall – we will confirm count timings nearer the time.

- 6.4 The role of counting observers is to observe the counting process and see that it is undertaken in an accurate and correct manner. Observers are entitled to be present during the count and when the Counting Officer is adjudicating on doubtful ballot papers. However, they do not participate in the counting process. There is no provision for counting observers to request a re-count.
- 6.5 You must apply in writing to the Counting Officer to be a counting observer by 4.00pm on Thursday 9 December 2021 and the notice must contain your address.

- 6.6 The Counting Officer may limit the number of counting observers, but the number appointed will be equal for each side of the referendum.
- 6.7 Counting Observers are also entitled to attend the opening of the postal votes. Counting Observers must first be appointed to observe the count before they are entitled to observe any postal vote openings: they may only attend postal vote openings by virtue of having been appointed as counting observers for the count.

7 The Importance of Secrecy Regulations – check legislation

- 7.1 Section 66 of the Representation of the People Act 1983 sets out the secrecy requirements at referendums and these requirements are attached. These apply to any observer who attends a polling station, postal vote opening or the counting of votes. You need to be aware of the requirements for secrecy as the legislation states:

‘Any person who is found guilty of breaching the requirements set out in Section 66 may face a fine of up to £5,000 or may be imprisoned for up to six months.’

8 Postal Voting

Postal vote opening

- 8.1 The postal vote opening session will take place at 10.30am on Thursday 16 December 2021 at Newcastle-under-Lyme Borough Council, Castle House, Barracks Road, Newcastle-under-Lyme ST5 1BL. The ballot papers are kept face down and not counted at this stage (this is done at the count).
- 8.2 Postal vote observers appointed by the Counting Officer (see 6 above) are entitled to attend these opening sessions.
- 8.3 The dates of birth and signatures supplied on the elector’s postal vote statement will be verified against the identifiers provided on the elector’s original postal vote application form.
- 8.4 It is important to note that postal votes where the date of birth and signature given on the postal vote statement do not match the elector’s original postal vote application form held by the Election’s Team, will be rejected at the opening session.

9 Polling Day Information

- 9.1 Polling day is Thursday 16 December 2021. The hours of poll are 7.00 am until 10.00 pm.

Polling Stations

9.2 The Counting Officer is responsible for the provision of polling stations at a referendum. Polling stations must remain impartial. To ensure this the following must be observed:

- It is possible that campaigners may be associated with the management of a polling station. In these instances it is important that any campaigners who may have such a connection maintain strict impartiality whilst undertaking any duties in connection with that building on polling day.
- Any building being used as a polling station must not display any campaign information.
- The Presiding Officer, appointed by the Counting Officer, is responsible for the conduct and operation of the polling station and may request the removal of any item which it is felt compromises the impartiality of the polling station. Similarly, the Presiding Officer can request the removal of any person from a polling station if it is felt that they are/could compromise the impartiality of the referendum.

Notification of secrecy requirements – postal voting

Section 66 of the Representation of the People Act 1983 (as amended)

(4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not –

(a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or

(b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person; or

(c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper; or

(d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtain at those proceedings.

[...]

(6) If a person acts in contravention of this section he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.

Notification of secrecy requirements – the poll

Section 66 of the Representation of the People Act 1983 (as amended)

(1) The following persons –

- (a) every returning officer and every presiding officer or clerk attending at a polling station,
- (b) every candidate or election agent or polling agent so attending
- (c) every person so attending by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000

shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to –

- (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
- (ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
- (iii) the official mark.

[...]

(3) No person shall –

- (a) interfere with or attempt to interfere with a voter when recording his vote;
- (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
- (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a voter at that station;
- (d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.

[...]

(5) No person having undertaken to assist a blind voter to vote shall communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given for the use of that voter.

(6) If a person acts in contravention of this section he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.

Notification of secrecy requirements – the count

Section 66 of the Representation of the People Act 1983 (as amended)

[...]

(2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not –

(a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;

(b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.

[...]

(6) If a person acts in contravention of this section he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.

NEIGHBOURHOOD PLANNING REFERENDUM

Campaign group/or individual registration form

Name of organisation/individual	
Neighbourhood Plan Area	
Outcome you are campaigning for	YES NO
Correspondence address	
Contact name	
Telephone number	
Email	

Please complete and return this form to: Elections Team, Newcastle-under-Lyme
Borough Council, Castle House, Barracks Road, Newcastle-under-Lyme ST5 1BL

e-mail: electreg@newcastle-staffs.gov.uk

BETLEY, BALTERLEY AND WRINEHILL NEIGHBOURHOOD PLANNING REFERENDUM

Day of Referendum: 16 December 2021

To the Counting Officer

NOTICE OF APPOINTMENT OF POLLING OBSERVER(S)

On behalf of the campaign group for the Neighbourhood Planning Referendum I do hereby give notice of the following interested parties to attend the polling station(s)

Name(s)	Address(es)

Dated.....Signed.....

(Campaign Group Lead)

Name of campaign or organisation representing (if applicable).....

.....

Please return by 4 pm on Thursday 9 December 2021 to: Elections Team,
Newcastle-under-Lyme Borough Council, Castle House, Barracks Road, Newcastle-
under-Lyme ST5 1BL

e-mail: electreg@newcastle-staffs.gov.uk