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**NEIGHBOURHOOD PLANNING REFERENDUMS**

**THURSDAY 2 MAY 2019**

**GUIDANCE FOR CAMPAIGNERS, LOCAL WARD COUNCILLORS AND COUNCIL EMPLOYEES**

**RESTRICTIONS ON PUBLICITY DURING THE REFERENDUM PERIOD**

**LIMITS ON EXPENSES**

**FORMS FOR OBSERVERS**

To request a copy of the guidance pack in another format or language phone 01803 207075.

Please note observer forms can only be produced in English and not in any alternative languages or formats. Please phone 01803 207075 if you require further information*.*

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**Introduction**

We encourage active participation of campaigners as part of healthy democracy. This guidance pack is designed to help campaigners and local councillors on the Neighbourhood Planning Referendums which are being held on Thursday 2 May 2019.

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.

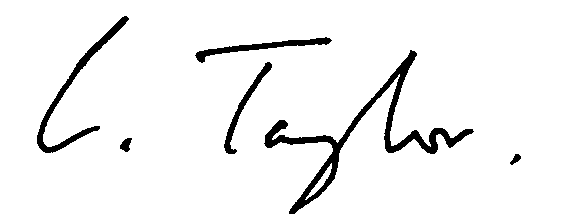
This guidance outlines:

* 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 (19 March 2019) to the date of the referendum;
* specific restrictions for Torbay Council and its employees and in relation to any individual’s role as an elected or co-opted councillor either on Torbay Council or Brixham Town 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 (01803) 207171.



Caroline Taylor

**Counting Officer for Torbay Council**

**1 How to use this guide**

* 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.
  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.
  3. Responsibility for organising the referendum rests with the "relevant council" (usually the district or borough council). For the Torquay, Paignton and Brixham Neighbourhood Planning Referendums the relevant council is Torbay Council. As the relevant council,Torbay 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, Torbay Council is prohibited from publishing promotional material during the referendum period .

1.2 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. The observer forms are enclosed with this pack.

1.3 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 Which referendums and elections are taking place?**

2.1 Following the decision of the Council on 15 November 2018, Neighbourhood Planning Referendums for Torquay, Paignton and Brixham are being held on Thursday 2 May 2019. These polls are being held on the same day as the Torbay Council local elections and Brixham Town Council elections.

2.2 The Neighbourhood Planning Referendums will ask the electorate of Torbay to answer a question as to whether or not they want Torbay Council to use the neighbourhood plans for Torquay, Paignton, and Brixham to help it decide planning applications in the neighbourhood area. The electorate will vote on the plan which relates to where they live.

2.3 The Torbay local elections will ask the electorate to vote for new ward Councillors to Torbay Council and the Brixham Town Council elections will ask the electorate of Brixham to elect new town Councillors to Brixham Town Council.

**3 The Combined Election/Referendum Timetable**

3.1 The election process is governed by a statutory timetable. A copy of the election timetable is attached. Please note that deadlines in election timetables are governed by law and these have to be strictly adhered to. If no particular time of day is specified in a timetable then the deadline is **midnight** on that date.

**4 Campaigning**

4.1 Individuals, groups of individuals or organisations can campaign for a particular outcome in relation to the question to be asked in the referendum.

4.2 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. We will also contact those registered with us for any briefings or updates on the referendums.

**5 Campaigning and publicity by Torbay Council, Brixham Town Coucil, Councillors and campaign groups**

5.1 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.

5.2 Publicity can take the form of speeches, interviews, items on a Council’s websites or notice boards, press releases, newsletters, leaflets, and newspaper articles issued by or on behalf of a Council.

5.3 Publicity can also include publicity issued by organisations that receives funds from the Council. For example, if the Council funds an activity group which organises an event that overtly attacks or supports a referendum campaign that could amount to a breach of the rules. The Council cannot fund other organisations to produce publicity it is unable to issue itself.

5.4 The restrictions on publicity apply from when the ‘Information Statement’ is published by Torbay Council until the date of the referendum.

5.5 The Neighbourhood Planning (Referendum) Regulations 2012 (section 5) prohibits the Planning Authority (Torbay 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.

5.6 The restrictions apply to any events organised by the Council. It is better to avoid proactively scheduling PR events and photo opportunities in the referendum area during this period if possible.

5.7 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.

5.8 Particular care needs to be taken to ensure that publicity or Council activities cannot be perceived as seeking to influence public opinion or to promote a referendum campaign.

5.9 The law does not allow the 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.

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.

5.10 Council business will continue during a referendum period. This includes publicity around normal Council business and events. However this must be carefully thought through to ensure Council “machinery” is not used or allowed to be used or manipulated by anyone in relation to the referendum.

5.11 Any meeting, which might be seen as having the potential to be seen as contentious, in relation to a referendum should be avoided. Where the Council controls the scheduling of such a meeting and it can reasonably be deferred until after the election without significant detriment, then the arrangements for the meeting should be organised accordingly.

5.12 Other meetings in support of the Council’s functions can still take place provided that such meetings are not used, or could reasonably be considered to give rise to the perception that they are being used, in connection with a referendum campaign.

5.13 If the Council holds public meetings or supports or assists in meetings organised by others then this is also caught by the provisions.

5.14 If a Council event in a referendum area cannot be postponed until after the referendum, it is vital it is organised in such a way as to minimise the likelihood of criticism being raised that the real purpose of the event is to publicise a particular campaign. If a representative from one campaign is to attend, then (where possible) representatives of other campaigns should also be invited, and all should be asked not to use the event for campaign purposes.

5.15 During the referendum period press releases about the referendum will not be made unless authorised by the Counting Officer.

Factors, which will be considered, include:

* The content and style of the material.
* The likely effect on those to whom it is directed.
* Whether material promotes or opposes a view on a referendum question.

5.16 It is acceptable to “put the record straight” if damaging misinformation has been circulated as part of a campaign. The publication of press releases containing factual information where the sole purpose is to refute or correct any inaccuracy in material published is allowed. Advice must be sought from the Counting Officer before any steps are taken.

5.17 During the referendum period there is a need for greater sensitivity; all staff should follow the guidance as set out in this document.

5.18 Council staff must always be careful not to give the impression of supporting a referendum campaign.

5.19 To maintain the appearance of neutrality, those members of staff whose work is confined to a very specific geographical area where the public knows them in their official capacity should not canvass or act in any visible manner in that area in support of a referendum campaign.

5.20 Staff should not wear any campaign badges or stickers whilst carrying out their work, or have campaign stickers etc. on work items such as clipboards.

5.21 Staff should not express their personal opinions about a referendum to the general public, tenants and residents (and their representatives), councillors, or Members of Parliament.

5.22 Extra care should be taken by staff not to allow themselves to be photographed with campaigners. This is because if such photos are re-printed in a campaign leaflet, it could be seen as an endorsement of the campaign by an officer or the council itself especially if the photo is of a senior officer of the Council.

5.23 Councillors are permitted to respond to correspondence they may receive in the normal way and deal with casework. However, Council letters or e-mails, which are being sent to constituents, must have no reference to a referendum.

5.24 Staff in politically restricted posts will know the legal rules that apply to them. If you are unsure about whether or not you hold a politically restricted post, you should speak to your line manager or the HR department.

5.25 Councillors can create their own publicity, provided Council resources are not used. The Code of Conduct for Members provides that a member must make sure that the Council’s resources are used for proper purposes only.

5.26 The definition of Council resources includes: IT, telephones, fax machines, photocopiers, stationery, headed notepaper, postage, transport and staff time.

Services or facilities provided for Members should be used exclusively for the purposes of council business or to enable the Member concerned to discharge their function as a Councillor. This applies to

* Council stationery (letterheads, envelopes, compliment slips)
* Telephones and fax machines
* Photocopiers / IT equipment
* Officer time

5.27 The use of Council resources for purely political purposes, including designing and distributing referendum campaign or party political material produced for publicity purposes is prohibited under The Code of Conduct for Members. Use of the Council’s resources in such a way is likely to amount to a breach of the Code of Conduct.

5.28 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 e-mail address, use of staff time to carry out research to assist in promoting a campaign.

5.29 All Councillors must comply with the provisions of the adopted Code of Conduct.

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

5.31 The restrictions apply to official Council organised publicity including press releases or events and the use of the Council’s resources. However, to avoid enquiries relating to a referendum campaign being directed via Council employees, councillors are asked not to include Council addresses and telephone numbers in any literature.

5.32 Councillors who represent the referendum area need to maintain a clear distinction between their official duties as a serving Councillor and their involvement with any campaign relating to the referendum. 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".

5.33 Campaigners are entitled on 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.

5.34 The management of schools, which includes permitting access and visits, is usually vested in the governing body who are independent of the Council. The governing body would be advised to seek advice from Torbay Council. An explanation will be sought as to why campaigners are seeking access to schools during the school day, as there are few potential voters to influence.

5.35 The same rules will apply to staff employed by the Council in that they will not normally support or facilitate a visit and need to take care about any photographs that are taken.

5.36 The neighbourhood planning body may encourage voting and disseminate information on the proposed neighbourhood plan, within reasonable expense limits. Public money and parish councils can only produce factual material about the neighbourhood plan, not promote a yes vote. However, members of the parish council and others may act independently, using independent funds, to campaign for a ‘yes’ vote.”

**6 Campaigning dos and don’ts**

6.1 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 election – you must do this within two weeks of the close of the poll

6.2 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.

6.3 In addition to the above, make sure you follow the Electoral Commission’s Code of conduct for campaigners in Great Britain which is attached to this guide – this will help you to avoid situations where your honesty or integrity could be questioned.

**7 Sanctions**

7.1 There are severe sanctions for inappropriate behaviour during a referendum period for the Council and individual Councillors and officers.

7.2 The Council can be subject to action by its external auditors in the event of unlawful expenditure.

7.3 If a Member uses Council resources for inappropriate purposes, that can be a breach of the Members’ Code of Conduct.

7.4 An employee who behaves in an inappropriate way will be in breach of the Employee Code of Conduct and could be subject to disciplinary action.

7.5 For campaigners, referendum expenditure is clearly set out in this guidance. Expenditure in excess of referendum expense limits may be a criminal offence.

**8 Campaign and Referendum Expenses Limit**

8.1 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.

8.2 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 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 the Electoral Services team at Torbay Council on 01803 207075 or by emailing [electoral.registration@torbay.gov.uk](mailto:electoral.registration@torbay.gov.uk)

8.3 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.

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

8.5 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, Castle Circus, Torquay, TQ1 3DR. A registration form is attached.**

8.6 Please note that different rules apply for expenses incurred when campaigning for Local Elections. Whilst there is different legislation on expenses for local elections and neighbourhood planning referendums, the Counting Officer’s interpretation is that so as long as the campaign and expenses incurred for the Local Elections does not promote or procure a particular outcome of any of the Neighbourhood Plan referendums this does not amount to a referendum campaign or referendum expenses. However, campaigners for both elections are advised to seek their own legal advice.

8.7 Any person spending in excess of the referendum expenses limit is guilty of an offence and is liable for prosecution which could result in 12 months imprisonment and/or a fine.

**9 Campaign Observers**

**Appointment of polling agents**

9.1 The role of polling observers is to attend polling stations for the purposes of detecting personation.

9.2 The number of polling observers will be confirmed nearer to the date of the referendum.

9.3 You must apply in writing to the Counting Officer to be a polling observer by 4.00pm on Thursday 25 April 2019 and the notice must contain your address. A form for applying to be a polling observer is attached.

**Appointment of Counting Observers**

9.4 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 Riviera International Conference Centre – we will confirm count timings nearer the time.

9.5 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.

9.6 You must apply in writing to the Counting Officer to be a counting observer by 4.00pm on Thursday 25 April 2019and the notice must contain your address. A form for applying to be a counting observer is attached.

9.7 The Counting Officer may limit the number of counting observers, but the number appointed will be equal for each side of the referendum. We will confirm the number of Counting Observers once we know how many candidates are standing in the local elections.

9.8 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.

**10 The Importance of Secrecy Regulations – check legislation**

10.1 Section 66 of the Representation of the People Act 1983 sets out the secrecy requirements at elections and 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.’**

**11 Postal Voting**

11.1 There are currently over 17,000 electors in Torbay who vote by post. Please note this figure will probably increase in the run-up to the referendum.

11.2 All postal voters are required to provide personal identifiers, namely their signature and date of birth on the postal voting statement accompanying their postal ballot paper.

11.3 The postal vote packs for the elections/referendum will be issued on 17 April 2019 and will be posted via first class post.

**Postal vote opening**

11.4 The postal votes are opened in advance of polling day although the ballot papers are kept face down and not counted at this stage (this is done at the count).

11.5 Postal vote observers appointed by the Counting Officer (see 10 above) are entitled to attend these opening sessions.

11.6 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.

11.7 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.

**Offences relating to absent voting**

11.8 Offences relating to absent voting were introduced in the Electoral Administration Act 2006. A person commits an offence if they:

* Engage in an act specified below, and
* Intend, by doing so, to deprive another of an opportunity to vote or to gain for themselves or another a vote to which they or another is not otherwise entitled.

11.9 These offences are:

* Applying for a postal vote or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);
* Otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;
* Inducing the registration officer or returning officer to send a postal ballot paper or a communication relating to a postal or proxy vote to an address that has not been agreed by the person entitled to the vote; and
* Causing a communication relating to a postal or proxy vote containing a postal ballot paper not to be delivered to the intended recipient.

11.10 A person who commits an offence under the Electoral Administration Act 2006 or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.

11.11 If you wish to attend postal vote opening sessions and you are appointed as a counting observer you will be asked to sign a secrecy agreement. We request that mobile phones are kept on silent and away from the proceedings in your bag or pocket. The use of phones is strictly prohibited and will be monitored throughout the sessions.

**Postal vote opening sessions**

11.12 Postal vote opening sessions will take place from Tuesday 23 April 2019 (please note that this first session is a test session, although you are entitled to attend) and are scheduled to take place on the following days:

* Tuesday 23 April
* Wednesday 24 April
* Thursday 25 April
* Friday 26 April
* Monday 29 April
* Wednesday 1 May
* Thursday 2 May – am and pm sessions

11.13 The opening of the postal votes will take place at the Town Hall, Torquay and will commence at 9.00 am. Please note that there will be an additional postal vote opening session which will take place on Thursday 2 May 2019 at the Riviera International Conference Centre in the evening (time to be confirmed). This will be held in the Rosetor Room.

11.14 We will not be opening postal votes on days where there have been low rates of return. Therefore, please contact the Elections Team on the day to check we are opening postal votes on the days that you would like to attend – please note you must be appointed a counting observer to attend any postal vote opening session (see 10 above).

**12 Polling Day Information**

12.1 Polling day is Thursday 2 May 2019. The hours of poll are 7.00 am until 10.00 pm.

**Polling Stations**

12.2 The Counting Officer is responsible for the provision of polling stations at an election. 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 or party political 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 election.

12.3 A full list of the polling stations to be used on Thursday 2 May 2019 will be available nearer the date.

**13 Feedback**

13.1 In order to further develop the information the Election Team provide we would appreciate any comments or recommendations you may have to assist us in improving our approach.

Please send your comments to:

Election Team

Governance Support

First Floor

Town Hall

Castle Circus

Torquay

TQ1 3DR

Tel: 01803 207075

Fax: 01803 207112

Email: [electoral.registration@torbay.gov.uk](mailto:electoral.registration@torbay.gov.uk)

Notification of secrecy requirements – postal voting

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| 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

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| Section 66 of the Representation of the People Act 1983 (as amended)  (1) The following persons –   1. every returning officer and every presiding officer or clerk attending at a polling station, 2. every candidate or election agent or polling agent so attending 3. 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 –   1. 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; 2. 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 3. the official mark.   [...]  (3) No person shall –   1. interfere with or attempt to interfere with a voter when recording his vote; 2. 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; 3. 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; 4. 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

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| 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. |

[](https://www.electoralcommission.org.uk/)

Code of conduct for campaigners: electoral registration, postal voting, proxy voting and polling stations

Campaigners are an essential element of a healthy democracy, and their right to put their arguments to voters should be supported and protected. It is equally important, however, to ensure that the activities of campaigners do not bring into question the integrity of the electoral process.

This Code provides a guide for campaigners, electoral administrators and police forces to what is, and is not, considered acceptable behaviour at polling stations and in the community during the lead-up to polling day.

As a guiding principle, if there is any doubt about a particular activity, campaigners should ask themselves “What would a reasonable observer think?”

More detailed guidance about electoral offences can be found in the guidance for candidates and agents, which is available at:

<http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent>

The Code has been sent to all registered political parties in Great Britain, and Returning Officers will draw it to the attention of all candidates and parties contesting elections.

Some Returning Officers may identify the need to develop and seek agreement to specific local provisions which supplement the terms of this Code, in order to address identified local risks. Returning Officers must consult with local campaigners and the relevant national Nominating Officers as well as police forces to secure appropriate local agreement to such provisions, and should ensure that they are communicated and well-understood by campaigners locally.

Scope of this code

This code covers all those actively involved in campaigning in elections or referendums in Great Britain. All references to campaigners in this code include:

* Candidates standing at an election, their agents and their staff and supporters
* Political party officers, members and supporters campaigning at an election
* Other people and organisations campaigning for or against a candidate, a group of candidates or a party at an election
* People and organisations campaigning for or against a particular outcome at a referendum

Compliance with this code

Any concerns that this code has been breached should be raised first with the candidate, political party or campaigner in question.

Any further concerns should be drawn to the attention of the Electoral Commission. The Commission will raise them with the relevant party or campaigner if appropriate, and will agree appropriate actions to remedy or prevent a reoccurrence of any breach.

1 Electoral registration and absent vote applications

**1.1 Campaigners should be free to encourage voters to register to vote and apply to vote by post or appoint a proxy to vote on their behalf, if that is the most convenient way for them to vote.**

Campaigners can help to inform voters about how to participate in elections, and Electoral Registration Officers should support you by providing you with a reasonable number of registration and absent vote application forms on request. Voters can also register online at: [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote)

**1.2 Campaigners should ensure that any electoral registration forms and postal or proxy voting application forms conform fully to the requirements of electoral law, including all the necessary questions and the options open to electors.**

You can download electoral registration forms from www.gov.uk/register-to-vote and absent vote application forms from [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk)

**1.3 Campaigners should ensure that the local Electoral Registration Officer’s address is clearly provided as the preferred address for the return of registration and absent vote application forms.**

To ensure voters can make their own choice about how to return registration or absent vote application forms, you should always clearly provide the relevant Electoral Registration Officer’s address as the preferred return address, even if an alternative address is also given. This will also minimise the risk of suspicion that completed applications could be altered or inadvertently lost or destroyed.

**1.4 Campaigners should send on unaltered any completed registration or absent vote application forms given to them to the relevant Electoral Registration Officer’s address within two working days of receipt.**

To minimise the risk of absent vote applications being refused because completed forms arrive with the Electoral Registration Officer after the statutory deadline before a poll, you must ensure that there is no unnecessary delay in forwarding on application forms which you receive directly.

**1.5 Campaigners should always explain to electors the implications of applying to vote by post or appointing a proxy.**

It is important that electors understand that they will not be able to vote in person on polling day if they or their proxy apply for and are granted a postal vote, and will not be able to vote in person if their appointed proxy has already voted on their behalf. To avoid duplication and unnecessary administrative pressures for Electoral Registration Officers, campaigners should try to ensure that electors who are included in current postal or proxy voter lists, or have already applied for a postal or proxy vote for a particular poll, do not submit an additional application.

Postal vote applications

**1.6 Campaigners should never encourage electors to have their postal ballot pack redirected to anywhere other than the address where they are registered to vote.**

Electors should take care to protect their ballot paper and postal ballot pack, and they will be best able to do so at their home address unless there are compelling reasons why receiving the postal ballot pack at the address where they are registered to vote would be impractical. Electors must state on the application form the reason why they need their postal ballot pack sent to another address.

Proxy vote applications

**1.7 Electors should be encouraged to explore other options for people to act as a proxy – including relatives or neighbours, for example – before a campaigner agrees to be appointed as a proxy.**

To minimise the risk of suspicions that campaigners may be seeking to place undue pressure on electors, electors should not be encouraged to appoint a campaigner as their proxy.

2. Postal voting ballot papers

**2.1 Campaigners should never touch or handle anyone else’s ballot paper.**

If you are asked for assistance in completing a ballot paper, you should always refer the voter to the Returning Officer’s staff at the elections office who may be able to arrange a home visit if necessary. Assistance will also be available for electors at polling stations.

**2.2 Campaigners should never observe voters completing their ballot paper. If you are with a voter when they complete their ballot paper, remember they should always complete it in secret.**

You should ensure that the voter seals both envelopes personally and immediately after completing their ballot paper and postal voting statement. If you are asked to give advice, it is acceptable and often helpful to explain the voting process, but do not offer to help anyone to complete their ballot paper.

**2.3 Campaigners should never handle or take any completed ballot paper or postal ballot packs from voters.**

Wherever practical, you should encourage voters to post or deliver the completed postal ballot pack themselves. If you are approached or asked for help by a voter who is unable to post their completed postal ballot pack or make any other arrangements for it to be returned in time, you should contact the Returning Officer to ask them to arrange for it to be collected. The Returning Officer may agree that it would be in the voter’s best interest for you to deliver the completed postal ballot pack to the relevant office or polling station, if there are no feasible alternative options.

3. Campaigning outside polling places

**3.1 Campaigners should be allowed to put their messages to voters on polling day, including in public spaces outside polling places.**

Polling station staff and police officers should not seek to discourage or remove campaigners who are otherwise peacefully communicating with voters, as long as they are not within or impeding access to the grounds of the polling place. You should be careful, however, to ensure that your approach is proportionate and should recognise that groups of supporters may be perceived as intimidating by voters.

**3.2 Campaigners should keep access to polling places and the pavements around polling places clear to allow voters to enter.**

The Presiding Officer is responsible for maintaining order in the polling place, and you may be asked to move by polling station staff or police officers if you are impeding access by voters to a polling place.

4. Complaints and allegations about electoral fraud

**4.1 Campaigners should be prepared to give the police a statement and substantiate any allegations of electoral fraud they make.**

The police will investigate allegations where someone is prepared to provide evidence or a statement in support of the complaint, but unsubstantiated claims about electoral fraud have the potential to damage confidence in the integrity of the electoral process. You should ensure you are confident that evidence can be provided to the police before considering whether it is appropriate to publicise any specific allegation.

**4.2 Campaigners who are concerned or think that electoral fraud may have taken place should raise the matter with their election agent or local party, or with the relevant Electoral Registration Officer or Returning Officer for the area.**

They may be able to explain whether or not an election-related crime has been committed, and refer it to the police if appropriate or provide details of the police contact for the relevant area so that campaigners can report their allegation. Concerns about breaches of the political finance rules should be raised directly with the Electoral Commission.

**4.3 Any campaigner who has actual evidence that an electoral offence has been committed should report it directly and without delay to the police.**

If appropriate, the police will investigate the matter. Every police force has designated a Single Point of Contact (known as a SPOC) to lead on election matters and who will deal directly with the matter or give advice to local police officers. The Electoral Commission can help provide contact details for local police force SPOCs.

Timetable for local elections in England: 2 May 2019

This timetable covers the following polls taking place on 2 May 2019:

* local government principal area elections (i.e. district, borough, county borough and unitary authority elections)
* parish council elections
* local authority mayoral elections in England
* any combined authority mayoral elections in England

The days which are disregarded in calculating the timetable are Saturday, Sunday, Good Friday, Easter Monday, bank holidays and any day appointed for public thanksgiving or mourning.

Please be aware that the timetable may change in the event of days being appointed for public thanksgiving or mourning.

Key:

Neighbourhood Planning Referendum

| Event | Election | Working days before poll (deadline if not midnight) | Date |
| --- | --- | --- | --- |
| Publication of notice of election | All | Not later than 25 days | Not later than Tuesday 26 March |
| Publication of Referendum Information Statement | Neighbourhood Planning Referendums | Not later than 28 days | 19 March 2019 |
| Publication of Notice of Referendum | Neighbourhood Planning Referendums | Not later than 28 days | 19 March 2019 |
| Delivery of nomination papers | All, excluding combined authority mayoral | From the date stated on the notice of election up to 4pm on the nineteenth working day before the election | From the date stated on the notice of election up to 4pm on Wednesday 3 April |
| Delivery of nomination papers | Combined authority mayoral | From the day after the publication of notice of election until 4pm on the nineteenth working day before the election (10am to 4pm) | Between 10am and 4pm on any working day after publication of the notice of election until 4pm on Wednesday 3 April |
| Deadline for withdrawals of nomination | All | 19 days (4pm) | 4pm on Wednesday 3 April |
| Deadline for the notification of appointment of election agent | All, excluding parish council | 19 days (4pm) | 4pm on Wednesday 3 April |
| Making objections to nomination papers | Combined authority mayoral | On 19 days (10am to 5pm), subject to the following:  Between 10am and 12noon objections can be made to all delivered nominations  Between 12 noon and 5pm objections can only be made to nominations delivered after 4pm, 20 days before the poll | Between 10am and 12 noon on Wednesday 3 April objections can be made to all delivered nominations  Between 12 noon and 5pm on Wednesday 3 April objections can only be made to nominations delivered after 4pm on Tuesday 2 April |
| Publication of first interim election notice of alteration | All | 19 days | Wednesday 3 April |
| Publication of statement of persons nominated | All | Not later than 18 days (4pm) | Not later than 4pm on Thursday 4 April |
| Deadline for receiving applications for registration | All | 12 days | Friday 12 April |
| Deadline for receiving new postal vote and postal proxy applications, and for changes to existing postal or proxy votes | All | 11 days (5pm) | 5pm on Monday 15 April |
| Deadline for receiving new applications to vote by proxy (not postal proxy or emergency proxies) | All | 6 days (5pm) | 5pm on Wednesday 24 April |
| Publication of second interim election notice of alteration | All | Between 18 days and 6 days | Between Thursday 4 April and Wednesday 24 April (inclusive) |
| Publication of notice of poll | All | Not later than 6 days | Not later than Wednesday 24 April |
| Publication of notice of poll | Neighbourhood Planning Referendums | Not later than 6 days | Not later than Wednesday 24 April |
| Publication of final election notice of alteration | All | 5 days | Thursday 25 April |
| Deadline for notification of appointment of polling and counting agents | All | 5 days | Thursday 25 April |
| Deadline for notification of appointment of polling and counting observers | Neighbourhood Planning Referendums | 5 days | Thursday 25 April |
| First date that electors can apply for a replacement for lost postal votes | All | 4 days | Friday 26 April |
| Polling day | All | 0 (7am to 10pm) | Thursday 2 May |
| Last time that electors can apply for a replacement for spoilt or lost postal votes | All | 0 (5pm) | 5pm on Thursday 2 May |
| Deadline for emergency proxy applications | All | 0 (5pm) | 5pm on Thursday 2 May |
| Last time to alter the register due to clerical error or court appeal | All | 0 (9pm) | 9pm on Thursday 2 May |
| Delivery of return as to election expenses (parish council elections only) | Parish council | Not later than 28 calendar days after the date of the election | Thursday 30 May |
| Delivery of return as to election expenses | All, excluding parish council | Not later than 35 calendar days after the date the election result is declared | If result is declared on Thursday 2 May: Thursday 6 June  If result is declared on Friday 3 May: Friday 7 June |
| Sending postal vote identifier rejection notices | All | Within 3 calendar months beginning with the date of the poll | By Friday 2 August |

**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 toCaroline Taylor, Counting Officer, c/o Election Team, Governance Support, First Floor, Town Hall, Castle Circus, Torquay, TQ1 3DR

**NEIGHBOURHOOD PLANNING REFERENDUM**

**For the Brixham/Paignton/Torquay Neighbourhood Planning Referendum**

*(please delete as appropriate)*

**(of) Torbay Council**

**Day of Referendum: 2 May 2019**

To the Counting Officer

**NOTICE OF APPOINTMENT OF POLLING AGENT(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)…………………………….…………

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Please return by 4 pm on Thursday 25 April 2019 to: Caroline Taylor, Counting Officer, c/o Election Team, Governance Support, First Floor, Town Hall, Castle Circus, Torquay, TQ1 3DR

**NEIGHBOURHOOD PLANNING REFERENDUM**

**For the Brixham/Paignton/Torquay Neighbourhood Planning Referendum**

*(please delete as appropriate)*

**(of) Torbay Council**

**Day of Referendum: 2 May 2019**

To the Counting Officer

**NOTICE OF APPOINTMENT OF COUNTING 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 verification and count.

|  |  |
| --- | --- |
| **Name(s)** | **Address(es)** |
|  |  |
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|  |  |

Dated…………………………………Signed………………………………………………………………………………………………..

(Campaign Group Lead)

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

……………….……………………………………….………………………….……………………………………….………………………….…

Please return by 4 pm on Thursday 25 April 2019 to: Caroline Taylor, Counting Officer, c/o Election Team, Governance Support, First Floor, Town Hall, Castle Circus, Torquay, TQ1 3DR