

## Referendum

### 1. Introduction

- 1.1. The referendum is the final key stage in the preparation of a neighbourhood plan. Without a successful 'yes' vote, the plan cannot be adopted as statutory planning policy by West Berkshire Council.
- 1.2. If a neighbourhood plan is found to be satisfactory, with modifications if necessary, then West Berkshire Council will arrange for the referendum to take place.
- 1.3. The referendum will be asking 'Do you want West Berkshire Council to use the neighbourhood plan for <name of Neighbourhood Area> to help it decide planning applications in the neighbourhood area?'
- 1.4. Therefore the referendum will be about the acceptance of the whole plan. If your plan has been community-led throughout the process and you have undertaken early community engagement, your plan is more likely to be successful at referendum.

### 2. The referendum process

- 2.1. A neighbourhood planning referendum will be undertaken in a very similar way to those for local elections and will be organised by West Berkshire Council's Electoral Services team.

### 3. What are will be covered?

- 3.1. As a rule the referendum area will mirror your Neighbourhood Area boundary. However, the independent examiner will consider whether to extend the referendum area, especially if it is considered that some of the proposals/policies within your plan will have a direct impact on those living within the adjacent parish. For example, allocation sites on the boundary of the Neighbourhood Area. If this is the case, the referendum area will be extended to include those areas it is considered will be affected.
- 3.2. It will therefore be important to consider this possibility during the early stages for your plan production. Consultation with your neighbouring parish councils will be vital if proposals are close to your parish boundary.

### 4. Who can vote?

- 4.1. Everyone on West Berkshire Council's electoral register (at the date of the vote) within the referendum area is entitled to vote. All those entitled to vote will receive a poll card informing them when and where to vote.
- 4.2. Due to the nature of the majority of the parishes, it is unlikely that any business areas will be designated within West Berkshire, though further guidance on these is included at Appendix 1. This means that the referendum will be focussed on those residents who live within the parish only. However, it will be important during the consultation stage of your plan to involve all sections of the community, including the businesses within your parish. The level and range of consultation undertaken should be reflected within your 'Consultation Statement'.

## **5. What will the required outcome be?**

- 5.1. Your plan is required to obtain 50% plus 1 of those turning out to vote in the referendum to vote 'yes' in order for the plan to be adopted by West Berkshire Council. It is important to note that there is no minimum turnout for the referendum to be valid.

## **6. How will the referendum be organised?**

- 6.1. West Berkshire Council is required to publish information about the neighbourhood plan 28 working days before the date of the referendum. Then 25 working days before the date of the referendum, they are required to give notice that a referendum is taking place and the date of the poll.
- 6.2. The referendum will be run in the same way as West Berkshire Council conduct local elections, therefore the option for postal voting will be made available, as well as the ability to vote in person. All referendums will be advertised no later than 25 days before the poll is due to take place indicating the referendum, location and the date.
- 6.3. You will need to ensure that your neighbourhood plan project programme/timetable for the delivery of your plan, reflects the necessary lead in times for the referendum.

## **7. How will the referendum be advertised?**

- 7.1. Information regarding any Neighbourhood Planning referendums will be made available on the Council's neighbourhood planning webpages, within the Council's Market Street offices in Newbury, and where appropriate in Parish/Town Council buildings within the referendum area at least 28 days before the date of the referendum. This will include an Information Statement and the following documents.
- 7.2. The Information Statement will specify:
  - That a referendum will be held and on what date;
  - The referendum question. The question for a neighbourhood plan is: Do you want West Berkshire Council to use the neighbourhood plan for <name of Neighbourhood Area> to help it decide planning applications in the Neighbourhood Area?;
  - A map of the referendum area;
  - An additional map where the referendum area differs to the Neighbourhood Area;
  - State who is entitled to vote;
  - That the referendum will be conducted in accordance with procedures similar to those for local government elections;
  - The address and times at which a copy of the published documents can be inspected.
- 7.3. The specified documents are:
  - The draft neighbourhood plan;
  - The independent examiners report;
  - A summary of representations submitted to the examiner;

- A statement that West Berkshire Council is satisfied that the plan meets the basic conditions;
- General information on town and country planning, including Neighbourhood Planning to ensure voters have sufficient knowledge to make an informed decision.
- The referendum expenses limit applicable (this is the amount your parish council can spend on campaigning during the referendum period) and the number of people identified as entitled to vote on which the limit was calculated.

## **8. How to gain support for your referendum**

8.1. The referendum is the important last step before your neighbourhood plan can be adopted. Gaining support for your plan will be the key to a successful result. It could be possible for you to have a plan which meets all the basic conditions and a positive examiner's report, but if it does not gain the majority support at the referendum, West Berkshire Council would be unable to adopt it.

8.2. Tips to improve the chances of success at the referendum include the following:

- Publicity at all stages of the preparation of the plan, so that the voting population know about the plan. If people understand the importance of the document and have had a chance to be involved they are more likely to vote;
- Involve a wide range of local residents, businesses and organisations in all stages of your plan. Anyone feeling they have been left out of the process or unable to give their comments may be more inclined to vote against the plan;
- Providing feedback on the outcomes of community and stakeholder engagement and explaining how this has informed the content of the plan. Record all the details in the 'Consultation Statement';
- Basing decisions on the content of the plan on a robust, proportionate and relevant evidence base, as well as on consultation and feedback;
- Ensure openness and transparency in all decision making, based on clear and transparent methodology and planning criteria. Make sure these are recorded within parish/town council minutes;
- Explain decision making and options at regular meetings.
- Ensure that the full range of issues are covered within your plan. This will ensure that everybody's suggestions have been considered;
- Clearly explaining the choices and compromises made in the plan; and
- Addressing the diverse range of local needs and wants.

## **9. Publication of the neighbourhood plan**

9.1. Following the independent examination, neighbourhood plans will be brought to a meeting of Full Council for approval to progress to referendum, and that following a successful 'yes' vote, the neighbourhood plan will immediately be adopted as part of the development plan for West Berkshire.

9.2. When adopted, the neighbourhood plan will be used by Planning Officers and Planning Committees at West Berkshire Council to approve or refuse planning applications in the Neighbourhood Area.

9.3. A copy of the neighbourhood plan will be placed on West Berkshire Council's website, and notification will be given to everyone who has previously requested to be kept informed.

## **Appendix 1**

### **Business referendums**

Neighbourhood Planning (Referendums) (Amendment) Regulations 2013 make provision for the conduct of additional business referendums. These additional referendums are required for a Neighbourhood Area which has been designated as a Business Area and are in addition to the residential referendum for the area.

The rules for these are contained in the Neighbourhood Planning (Referendums) Regulations 2012 as amended by the Neighbourhood Planning (Referendums) (Amendment) Regulations 2013 and 2014, and the Neighbourhood Planning (Prescribed Dates) Regulations 2012. The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 includes template forms for business neighbourhood planning referendums and invitations to register to vote at business referendums.

In Business Areas two separate referendums will be held in parallel. The first will be for residents and a second referendum will be held for businesses (or more specifically non-domestic rate payers). The two referendums must be held on the same day.

Anyone who is a non-domestic ratepayer in the referendum area recorded on the business voting register compiled by the Council using the business rate billing information it holds is entitled to vote.

Schedule 6 of the Neighbourhood Planning (Referendums) (Amendment) Regulations 2013 sets out the rules for the business voting register. In particular the Schedule makes provision for obtaining data from the business rates records held by local authorities, sending out invitations to register, compilation, publication and supply of the business voting register, alteration of the business voting register and appeals.

The rules for the business referendum are set out in Schedule 7 of the Neighbourhood Planning (Referendums) (Amendment) Regulations 2013 and are based closely on the rules for conduct of residential referendums as described above.

In this instance the outcome of the business and residents' referendums will be considered separately. If both are in favour of the neighbourhood plan it will be adopted. If both reject the neighbourhood plan it won't be adopted. Where the two outcomes conflict with each other the decision about whether or not to adopt the neighbourhood plan will rest with West Berkshire Council.