

The Neighbourhood Planning (Referendums) Regulations 2012



Neighbourhood Development Plan

Neighbourhood Development Order

Community Right to Build

Once any one of the above has been submitted to the Local Planning Authority and has gone through due process, a referendum must be held asking the local electorate whether or not they support the Plan.

The following are some of the salient points to note from the above regulations governing the referendum.

- It is Cornwall Council's responsibility to organise the referendum
- All voters appearing on the register of local government electors are eligible to vote. Voters must be 18 or over.
- The question to be asked at the referendum is set in legislation and cannot be altered either by the Town/Parish council or by Cornwall Council
- The Counting Officer for the referendum will be the Returning Officer for Cornwall Council (Kevin Lavery, at the time of writing)
- The poll may be combined with another election or referendum if the Counting Officer thinks fit
- An Information Statement and Specified Documents must be published not fewer than 28 days before the date on which the referendum will be held. The Information Statement is roughly equivalent to a Notice of Election and the Specified Documents include the draft plan or order, the independent examiner's report and various statements issued by Cornwall Council.
- A referendum campaign may be conducted by a 'campaign organiser' to promote or procure a particular outcome in relation to the question to be asked. Expenses incurred during such a campaign are limited. The limit is £2,362 plus £0.059 per elector on the relevant register.
- Hours of poll are between 07.00 and 22.00
- Polling observers and counting observers may be appointed
- A poll card must be sent to every eligible voter and proxy
- Those electors who have opted to vote by post or proxy in elections, are entitled to do so at the referendum
- The counting of the votes must take place as soon as practicable after the close of poll and the date, time and location of the count must be advised to any counting observers in writing by the Counting Officer. The Counting Officer may exclude the hours between 19.00 in the evening and 09.00 on the following morning. The Counting Officer is not obliged to conduct the count on a Saturday or Sunday.
- The Count is conducted on a 'First past the Post' basis; no minimum turnout is required. On declaration of the result, and among other facts, the total number of votes cast for each answer is given.
- Cornwall Council must bring the Plan/Order into force if more than half of those voting have voted in favour of the order.