

# National Forest Land Scheme

## Guidance on ballots

### Introduction

1 Community bodies that wish to buy land under the National Forest Land Scheme (NFLS) have to demonstrate community support for their acquisition. The requirements are set out in Criteria 4 of the National Forest Land Scheme (“the Scheme”). Where a community body wishes to buy land, which has a value of more than £50,000 they must ballot their local community.

2. The ballot must be held during the 6-month period immediately before the application is made. The requirement for community support will be satisfied if:

- at least half the members of the community (those permanently resident and registered to vote at a local government election) voted in the ballot; and
- the majority of those voting voted in favour of the community buying or leasing the land.

3. Where the value of the land is £50,000 or less then a ballot is not mandatory but it can be a good way of demonstrating community support for the project.

4 The Scheme Guidance can be downloaded at [www.forestry.gov.uk/nfls](http://www.forestry.gov.uk/nfls). The guidance on the procedure for balloting set out below broadly follows that of the Community Right to Buy (Ballot) (Scotland) Regulations 2004, which you can read at <http://www.opsi.gov.uk/legislation/scotland/ssi2004/20040228.htm>. Further information is provided in the Community Right to Buy Guidance Booklet available at: <http://www.scotland.gov.uk/Topics/Rural/rural-land/right-to-buy/Community>.

### Assistance with conducting the ballot

5 A number of community bodies have conducted ballots as part of community land purchases. Local authorities have often acted as the independent returning officer for ballots, providing advice on the conduct of the ballot, giving access to the electoral roll, receiving the postal votes (if it is a postal ballot), counting them and announcing the result of the ballot. However, it is up to the local authority as to whether it wishes to assist. You should be aware that local authorities may charge for their time. It is recommended that the community body contact their local authority in the first instance.

### Appointing independent assessors

6 The Community Right to Buy Guidance (paragraph 61) recommends the appointment of an independent assessor to oversee proceedings if an applicant considers this will help demonstrate the validity of a ballot. The appointment of an assessor is not a mandatory requirement, due to the additional cost and complexity that this may add to the application process. However, we would strongly advise wherever possible, the use of such an authority. Should there be a challenge to the way the ballot was held or its result, this will help to demonstrate that you conducted your ballot fairly and reasonably.

## **Costs of the ballot**

7. There are likely to be costs associated with running the ballot including printing information sheets, ballot papers and postage costs. Forestry Commission Scotland may be able to assist with some of the costs of the ballot<sup>1</sup>.

## **Provision of information**

8. Before the ballot takes place the ballot the community body should make all eligible voters aware of the upcoming ballot and provide background information on it and the reasons why a ballot is being conducted. Best practice is for the community body to increase awareness of the upcoming ballot and the reasons for it over a number of months. You may consider promoting and discussing it through meetings, newsletters and articles in local newspapers.

9.. It is appropriate for the community body to actively promote its proposals. However care must be taken to ensure that the information provided to eligible voters, prior to the ballot, is balanced and factual.

## **Conduct of Ballot**

10. The ballot must be a secret ballot and conducted in a fair and reasonable manner. The community body may be held by voting in person (at a polling booth set up for the purpose), postal, or in certain circumstances by proxy.

11. The community body should ascertain from the full voters roll the number of eligible voters in the community. The community body is asked to define the community in the Scheme application form based on postcode areas. Only those permanently resident and eligible to vote at a local government election can take part in the ballot.

12. The community must send out the following information to eligible voters not less than ten days before the ballot is due to take place, and preferably at least 21 days beforehand:

- the date and place on which the ballot will be held (for non-postal ballots);
- background information on the reasons for the ballot;
- a description of the relevant area of land the CB is applying to acquire, preferably including a map;
- the question that will appear on the ballot slip;
- the community body's proposals for the land; and
- where the voter can find further information.

13. The community body should liaise with the Scheme manager over the content of the information sheet and wording of the ballot question. Examples of ballot questions can be found in the applications already submitted to the NFLS, available at [www.forestry.gov.uk/nfls](http://www.forestry.gov.uk/nfls) or in the Register of Community Interests in Land at <http://rcil.ros.gov.uk/RCIL/default.asp?Category=RCIL&Service=Home> , which refers to

---

<sup>1</sup> Contact the NFLS Programme Manager for details of grant assistance available

applications under the community right to buy provisions of the Land Reform (Scotland) Act 2003.

14. For postal ballots, each eligible voter should be sent a ballot paper with the question on which the vote is to be taken and the date and time on which the paper must be returned. This must be not less than 10 days from the date of posting. Each voter must be provided with a stamped addressed envelope for returning the completed ballot paper.

15.. It will be appropriate to encourage eligible voters to vote or return their ballot papers. However, care should be taken not to unduly influence whether voters choose to vote or not, and how they choose to vote.

### **Proxy Votes**

16. In the event of any eligible voter being unable, for good cause, to exercise their right to vote either at the ballot in person or in the postal ballot, the community body may permit a proxy to vote for that person. The community body must retain a record of any proxy authorisation. The proposed use of a proxy must be notified in writing by the eligible voter to the community body prior to the ballot.

### **Ballot results**

17.. The community body should provide the following information relating to the ballot in its Scheme application.

- a. Date of ballot.
- b. Question which was put to ballot.
- c. Number of people eligible to vote.
- d. Number of eligible people who voted, including details of the number of proxy votes.
- e. Percentage of those eligible to vote who voted ( $d/c \times 100$ ) = %
- f. Number of eligible people who voted in favour of acquiring the land.
- g. Percentage of those voting, that voted in favour ( $f/d \times 100$ ) = %

18. When submitting their Scheme application, the community body should enclose supporting documents, any information that was sent out or made available to eligible voters prior to the ballot.

19. The community body should inform the community of the outcome of the vote through their local newsletter, article in the local newspaper and/or other appropriate local means of communication where possible within 28 days of the ballot.

### **Retention of Ballot papers**

20. The community body shall retain or arrange for the body conducting the ballot to retain on their behalf:

(a) all completed voting papers;

(b) in the case of a postal ballot evidence of sending the ballot papers; and

(c) any proxy authorisations and notifications of intention to use a proxy.

for a period of two years after the date of the ballot, and these papers and evidence shall be available, on request, for inspection by members of the community or Forestry Commission Scotland.

**April 2009**