



Bromsgrove
District Council
www.bromsgrove.gov.uk



ORDINARY ELECTIONS FOR PARISH COUNCILS 5th MAY 2011

Guidance Notes for Parish Council Clerks

Date and Timetable of the Elections

The ordinary elections in 2011 are being held on 5th May, when they are being combined with elections for the District Council. The elections begin with the publication of the Notice of Election on Wednesday 16th March. This will be published locally with additional copies being sent to Clerks for placing on the parish notice boards. Furthermore, an article to be included in the Council's newspaper which is delivered to most households will include information to encourage participation in the elections.

The statutory timetable for the elections is included at Annex 1. Clerks are advised to note that the nomination period is between 9 am and 5 pm on each working day from Wednesday 16th March until the close of nominations at **NOON on Monday 4th April**. Withdrawals of candidature are permitted up to noon on Thursday 7th April.

Qualifications to be a Councillor

A person is qualified to be elected and to be a councillor if they are a British, Commonwealth, Irish or European Union citizen and on the relevant day (that is, the day of nomination and day of election) and that they are 18 or over.

In addition, the person must meet at least one of the following criteria:-

- (1) on the relevant day and thereafter they continue to be on the electoral register for the parish, or
- (2) during the whole of the twelve months before that day they have owned or tenanted land or premises in the parish, or
- (3) during the whole of the twelve months before that day their principal or only place of work has been in the parish, or
- (4) during the whole of the twelve months before that day they have resided in the parish or within 4.8 km (three miles) of it.

NOTE – it is in the parish, not just the parish ward.

Except for qualification (1), these qualifications then continue for the full term of office, until the next ordinary elections. Certain people are disqualified from standing, and these include paid officers (including the Clerks) of the council, bankrupts and those subject to recent sentences of imprisonment.

The Nomination Process

The Returning Officer asks that the Clerks assist with the distribution of nomination packs to existing parish councillors standing again and to hold spare nomination packs for any local prospective candidates wishing to obtain one. In addition, parish councils may request Clerks to provide initial guidance with the nomination process and arrange for the return of nominations, and this guidance endeavours to address the issues that might arise here. Clerks should be particularly mindful of the statutory timetable in Annex 1. Nomination papers should be submitted to the Returning Officer in good time, to allow for any unintended errors to be corrected.

The Local Elections (Parishes and Communities) Rules 2006 state the requirements of a nomination, and the Returning Officer must rule as invalid any nominations that fail to meet these requirements. Samples of the nomination paper and the consent to nomination form are given in Annex 2.

The Nomination Paper

The rules are very strict and it is important that time is taken in its completion:-

the parish or parish ward name – should be clearly stated

the candidate's full names - the surname and other names must be in full (initials would invalidate the form), if the candidate commonly uses a different surname or forename he may include those;

the home address must be in full;

and, if desired, a description - the description can be left blank, or include the word Independent, or a six words description. But the description must not be confused with a party political description unless it is *authorised by a certificate issued by or on behalf of the registered nominating officer of the political party*. The description allowed on the party certificate must match exactly the description used on the nomination paper.

The nomination paper must be signed by two electors of the electoral area as proposer and seconder. The "electoral area" is the parish, or if the parish is divided into wards, the parish ward for which the candidate is seeking election. *The nomination paper shall give the electoral letter and number of each person*

subscribing it. A person shall not subscribe more nomination papers than there are vacancies to be filled in the electoral area. Thus, for example, if the parish/parish ward has five councillors, a person may not subscribe more than five nomination papers, and, if they do, the sixth nomination paper will be invalid.

In the rules "elector" means *a person who is registered in the register of local government electors for the electoral area in question on 1st April 2011*, and would include a person then shown as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.

Consent to Nomination

A person shall not be validly nominated unless his/her consent to nomination is given in writing on the form which will be supplied in the nomination pack. Candidates should be advised to complete, on the form, as many of the relevant qualifications as apply. The consent to nomination *must include the candidate's date of birth and must be attested by one witness* (who may be any person).

If the candidate has been authorised by a political party to use a description in their nomination, they can also request that one of the party's official emblems is used on the ballot paper next to their name. That request must be made in writing by the close of nomination.

Candidates can request an informal check of their nomination papers by making an appointment with the Elections Office team.

IMPORTANT – Nomination Papers MUST be delivered to the Returning Officer, Room 1, The Council House, Burcot Lane, Bromsgrove (For Feckenham Parish Council only, this will be Room 2.6/2.7, Town Hall, Walter Stranz Square, Redditch B98 8AH) by NOON on MONDAY 4th APRIL. Post is no guarantee of delivery and there is no leeway, any nomination papers received after NOON on 4th April will be invalidated.

Nomination papers can be inspected at the Returning Officer's office during normal office hours from close of nominations at noon on Monday 4th April until the day before polling day, Wednesday 4th May.

Statement of Persons Nominated

The Returning Officer must publish a statement of persons nominated by noon on Wednesday 6th April (we hope that this statement will be published at noon on Tuesday 5th April). It will appear on the Council's website and a copy of the relevant

part will be posted to each Clerk. There then follows a period during which candidates may withdraw their candidacy, and this closes at noon on Thursday 7th April.

A candidate may withdraw their candidature by notice of withdrawal, signed by them and witnessed by one other person. A candidate who is validly nominated for more than one ward of the same parish must withdraw from their candidature in all those wards except one, and if they do not so withdraw, they shall be deemed to have withdrawn from their candidature in all those wards.

At noon on Thursday 7th April, the Returning Officer will know the status of the elections for each of the parish/parish wards in the District area. Where the number of candidates for an electoral area is less than or equal to the number of seats to be filled, those candidates are declared to be elected. Some Parish Councils may need to co-opt members to make up their full quota of councillors; others will have their full quota. Those councils with more candidates than vacancies will require the election in that area to proceed to a poll.

Uncontested Elections and Co-option

The Returning Officer will issue a notice to the uncontested candidates to inform them of their election. This notice will remind the candidates about their duties with regard to the completion of a declaration and return of election expenses.

A notice will be issued to the Clerks to inform them of the outcome of any uncontested elections. This will provide the Clerks with the full names and addresses of the new council. Clerks are reminded that the present councillors all retire four days after the day of the election (unless a bank holiday intervenes, in which case that holiday is not included), that is on 11th May, and that the new council comes into office on that day.

Clerks are also reminded that a Declaration of Acceptance of Office form should be signed by each councillor and attested by the Clerk as the proper officer of the council before or at the first meeting of the parish council after their election. (If this is not convenient for a councillor, the council may permit that form to be signed before or at a later meeting.) Clerks are reminded that the declaration form that you use must contain a specific reference to the Code of Conduct for Members.

You are also reminded that all members will need to register their interests as required by the Code within 28 days of their election. This requirement applies to all members, including current members, because the registration requirements are likely to change. These forms will need to be collected by you, and copies sent to the

Monitoring Officer. As you will recall, the Register of Interests has to be available for public inspection.

Your continued assistance in sending information on declarations of interest made by your members will still be required, and is much appreciated. This is to ensure that these are recorded in the register of declared interests which the District Council is required by legislation to keep.

Finally, Clerks are reminded that the annual meeting of the council should be held within fourteen days of the council coming into office.

The new council may co-opt whoever it pleases to fill any remaining vacancy. However, that person must be qualified to serve as a councillor. Some councils advertise for expressions of interest in being co-opted. Although there is no legal requirement to do this, it is generally regarded as good practice to make the vacancy as widely known as possible. However, the co-option must be made by 24th June; thereafter the District Council, as the principal council, may do whatever it considers appropriate to fill the remaining vacancies.

The person co-opted must receive an absolute majority vote of the councillors present and voting. For example, where there is a council of eleven members and there are nine councillors present and voting, the absolute majority is five. Where there are more than two candidates for the vacancy, it may be necessary to run a series of votes, each time removing the candidate who has the least number of votes until one candidate secures an absolute majority.

The usual rules on voting apply. Provided that the meeting has a quorum, the decision must be made by a majority of members who are present and voting. The person presiding over the meeting may vote, and if there is an equality of votes they may exercise their casting vote. Members must vote by show of hands unless the council has standing orders that provide otherwise.

The council's debate and vote on the co-option must be conducted in the public section of its meeting. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.

Contested Elections and Polls

The Notice of Poll will be published on 8th April, and copies will be sent to Clerks for placing on the parish notice boards. Poll cards will be issued to all electors around

the week of 28 March. **Polling will be from 7.00 a.m. to 10.00 p.m. on Thursday, 5th May.**

Candidates will need to be mindful of the rules governing election expenses and corrupt and illegal practices.

The verification of ballot papers for the District and Parish Elections and National Referendum will take place on the night of 5th May at the Council House, Burcot Lane, Bromsgrove commencing at 10 pm. The verified ballot papers will be stored securely overnight and the Count will be held on the following day, Friday 6th May. Results will be available on the Council's Elections website as soon as they are declared. (For Feckenham Parish Council – verification and the count will take place on Friday 6th May at the Town Hall, Walter Stranz Square, Redditch)

A notice will be issued to the successful candidates to inform them of their election. This notice will remind the candidates about their duties with regard to the completion of a declaration and return of election expenses within 28 days, on 3rd June, even if they have incurred nil expenditure.

The Returning Officer will issue a notice to the Clerks to inform them of the results of contested elections.

For further assistance

The following references may be helpful:

Parish Council Elections - a Candidate's Guide (a copy will be included with every nomination pack)

Guidance can also be found on the National Association of Local Councils website (www.nalc.gov.uk)

Electoral Commission - Guide for Candidates and Agents - Local Elections in England and Wales Thursday 5th May 2011 (www.electoralcommission.org.uk)

Bromsgrove District Council or Redditch Borough Council website will include the various statutory notices that the Returning Officer is required to publish (www.bromsgrove.gov.uk) (www.redditchbc.gov.uk)

Representation of the People: The Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (Statutory Instrument 2006 No.3305) (www.opsi.gov.uk)

The Electoral Shared Services Staff are always ready to assist clerks to parish councils who require advice. You should contact us by:

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