

# **TOWN AND PARISH COUNCIL ELECTIONS**

**2 May 2019**



## ***Useful Guide for Town & Parish Council Candidates***

[www.wychavon.gov.uk](http://www.wychavon.gov.uk)

# INTRODUCTION

The Elections Team will endeavour to help you with any queries you may have during the election process, but this guidance will hopefully answer many of your initial queries. It is not intended as an authoritative interpretation of the law, and candidates are advised to seek their own legal advice.

Our webpage will provide you with information throughout the election process. The website address is [www.wychavon.gov.uk/elections](http://www.wychavon.gov.uk/elections)

All relevant notices will be published on that page, and this should be your first port of call, as with so many elections taking place, it will be quicker to find out who you are standing against online, rather than trying to telephone a member of the Elections Team.

In addition to the guidance produced by Wychavon District Council, the Electoral Commission, which is the UK's independent elections watchdog, has provided information on how to stand as a candidate, campaign conduct, and spending limits for candidates

Candidates are urged to familiarise themselves with the Electoral Commission's Guidance Document, which can be found at:

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

Topics covered in this local guidance are as follows:-

- Introduction to Election Procedures
- Town and Parish Council Elections
- Candidates and Agents
- The Nomination Process
- Polling Day, The Count and Post-Election Matters
- Elections Expenses and the Election Campaign

If you have any issues or concerns during the election process,  
you should contact

Wychavon Council's Elections Team

who are based at The Civic Centre, Pershore

Tel: **01386 565437** E-mail: **elections@wychavon.gov.uk**

## **Part 1:**

### **Introduction to Election Procedures**

These notes are to advise prospective candidates of the practice relating to Town and Parish Council elections. It is for general guidance only and is not intended as a comprehensive statement of the law.

The Returning Officer appointed by Wychavon Council is of course responsible for the conduct of, and arrangements for Town and Parish Council Elections. However, the Town and Parish Council and its Clerk have an important role to play, especially in giving advice to prospective candidates prior to the four-yearly ordinary elections and in the preliminary arrangements for the filling of casual vacancies, including by-elections.

Notices will be issued to local Town and Parish Councils for display at various key dates during the election timetable. This information will also be displayed on Wychavon Council's website – [www.wychavon.gov.uk/elections](http://www.wychavon.gov.uk/elections)

The information which will be published includes:-

- Notice of Election This is the first stage of the election process which makes prospective candidates aware that an election has been called and what action they should take. It also provides eligible people within that area with the key dates to apply for postal and proxy voting, should a poll take place.
- Statement of Persons Nominated This shows which candidates have submitted valid nomination papers to stand at the election.
- Notice of Uncontested Election In the event that there are fewer than or an equal number of candidates as seats available, this notice informs electors of those candidates remaining validly nominated, who are then elected unopposed.
- Notice of Poll Should there be more candidates than vacant seats, this notice informs local electors of the date and time of the poll, and which polling station voters should attend.
- Declaration of Results For all contested elections, this notice lists the results of votes cast in the poll.

To find out who you are standing against, we will be sending a copy of the Statement of Persons Nominated to the Town/Parish Clerk for display locally. A copy of the notice will also be published on Wychavon Council's website, so you may wish to log on to see who the other candidates are (if any).

These notices will be available on our website by **4pm Thursday 4 April**.

## **Part 2:**

# **Town and Parish Council Elections**

## **1. TERM OF OFFICE**

Town and Parish Councillors hold office for a period of four years (or if elected part way through the cycle, for the remainder of that period only) and retire on the fourth day after the ordinary day of election. The newly elected Councillors take office (provided they have made declarations of acceptance of office) on the day on which their predecessors retire (Local Government Act, 1972, Section 16(3)). The Chair of a Town or Parish Council continues in office until their successor becomes entitled to act as such.

## **2. THE ELECTION TIMETABLE**

With the exception of the date for the publication of the Notice of Election, over which the Returning Officer has some discretion, the timetable for the elections is set down in law.

All deadlines within the timetable will be strictly observed.

<b>ELECTORAL EVENT</b>	<b>DATE (Time if Applicable)</b>
Publication of the Notice of Election	Friday 22 March 2019
Deadline for the Receipt of Nominations	<b>4pm</b> on Wednesday 3 April 2019
Withdrawal of Candidature	<b>4pm</b> on Wednesday 3 April 2019
Publication of Statements of Persons Nominated	<b>4pm</b> on Thursday 4 April 2019
Last Date for Applications to Register to Vote	Friday 12 April 2019
Last Date for Written Applications to Vote by Post	<b>5:00 pm</b> on Monday 15 April 2019
Publication of Notice of Poll	Wednesday 24 April 2019
Last Date for Written Applications to Vote by Proxy	<b>5:00 pm</b> on Wednesday 24 April 2019
Appointment of Poll and Count Agents	Thursday 25 April 2019
Last Day to issue Replacement Spoilt or Lost Ballot Papers	<b>5:00 pm</b> on Thursday 2 May 2019
<b>POLLING DAY</b>	<b>7:00 am to 10:00 pm on Thursday 2 May 2019</b>
Last Day to submit the Declaration of Candidates Expenses	Thursday 30 May 2019

## **Part 3:**

# **Candidates and Agents**

### **1. QUALIFICATIONS AND DISQUALIFICATIONS TO BE A COUNCILLOR**

Please carefully read the Electoral Commission guidance Part 1 – Can you stand for election?

### **2. CAMPAIGNING AND EXPENDITURE**

It is in the interests of each candidate to undertake their own publicity campaign, so that potential voters know who they are voting for.

You must:

- use imprints\* on all your campaign material, including websites;
- Make sure that outdoor posters are removed promptly after the election – you must do this within two weeks.

You must not:

- Produce material that looks like the poll cards sent to voters by the Returning Officer;
- Pay people to display your adverts (unless they display adverts as part of the normal business).

\* An imprint must, by law, be added to campaign material to show who is responsible for its production. It helps to ensure that the campaign is transparent. On printed material, such as leaflets and posters, you must include the name and address of the printer, the promoter and any person on behalf of whom the material is being published (and who is not the promoter). The promoter is the person who has authorised the material to be printed. If the promoter is acting on behalf of a group or organisation, the group or organisation's name and address must also be included.

Further regarding the use of imprints can be found on the Electoral Commission's website.

Candidates are subject to limits on what they spend during the regulated period in advance of an election. The limit for the local government elections is £740 plus 6p per local government elector in the parish or parish ward. A record (and receipts) for any expenses incurred should be kept, as towards the end of the election process, each candidate must, by law, complete and return their Election Expenses.

Candidates sometimes believe that they can claim back their campaign expenditure. **No reimbursement of expenses can be made by Wychavon Council to candidates** – it is a record which is required to be submitted by law, and is a public document which is available for public inspection.

### **3. ACCESS TO REGISTERS AND ABSENT VOTERS LISTS**

The Representation of the Peoples Acts makes provision for the Electoral Registration Officer to supply various documents or data to candidates in an election to support them in the conduct of their campaign.

The Register of Electors and Absent Voters List are available upon written request. Application forms will be supplied with nomination packs. Completed forms should be returned to the Elections office by post or email attachment.

You must ensure that you keep the electoral register and absent voters lists secure. Once you no longer need the register and lists of absent voters for any electoral purposes, you should securely destroy any copies supplied to you as a candidate in accordance with Information Commissioner's guidelines.

#### 4. **AGENTS**

At town and parish level, Candidates are not required to appoint Election Agents. They can however appoint Polling and Counting Agents, should they so wish.

- **Polling Agents** are appointed, usually to a specific polling station, to detect personation. They should not be confused with Tellers, who have no official standing and are not allowed to enter the polling station, except to vote.
- **Counting Agents** are appointed to observe proceedings at the counting of votes.

Forms to appoint agents will be sent to candidates following the close of nominations

## **Part 4:**

# **The Nomination Process**

## **1. NOMINATION PAPERS**

Please carefully read the Electoral Commission guidance Part 2b Standing as a Candidate. If you are standing as an independent candidate please ignore sections 1.22 to 1.29 as these relate to party candidates only.

This guidance gives **essential** information on how to complete the three nomination papers that you must submit to make your nomination valid these are:

- The nomination form
- A home address form
- Your consent to nomination

The Elections team is unable to add to or alter any details on these forms so it is important to get them right from the start.

## **2. SUBMISSION OF NOMINATION PAPERS**

Completed Nomination Papers (including the Home Address Form and Consent to Nomination) must be submitted **by hand** to the Returning Officer before the deadline for close of nominations on any working day Monday to Friday between 10am and 4pm. Nomination papers must be delivered to the **Showell Room, Civic Centre, Pershore**.

Be prepared to wait to have forms informally checked by the Elections Team. This is because if an error is discovered, you will be able to take your paper away with you for correction and re-submission before the closing date and time.

Please do not leave submission of papers until the last date as this may be too late for corrections and forms may be rejected due to this.

The following locations will be used to accept nomination papers:-

### **PERSHORE – The Showell Room, Civic Centre, Queen Elizabeth Drive, Pershore**

- |                                |                       |
|--------------------------------|-----------------------|
| • 25 March – Wednesday 3 April | 10am to 4pm inclusive |
|--------------------------------|-----------------------|

## **3. CLOSE OF NOMINATIONS**

The nomination period will close at **4pm precisely on Wednesday 3 April** and the Election Office will, quite literally, be locked down. Whilst all nomination papers will have been formally lodged, the Team will then go through the process of making final checks before producing the “Statements of Persons Nominated” for every town or parish council ward.

A Statement of Persons Nominated for each area will be published on the Council’s website as soon as it becomes available. The checking/publishing process will commence with the District council first, followed by the towns and parish councils.

Whilst the Statements of Persons Nominated for each area must be available no later than **4pm Thursday 4 April**, it may be published early so please keep checking on our website for details.

#### **4. WITHDRAWALS OF CANDIDATURE**

Any candidate wishing to withdraw their candidature must do so in writing (a form is enclosed the nomination pack) and deliver it to the following office ONLY:

The Returning Officer – Wychavon District Council,  
Civic Centre, Queen Elizabeth Drive, Pershore, Worcs WR10 1PT.

It must be signed by the candidate and one witness, and must be received not later than **4pm Wednesday 3 April 2019**.

A candidate who is validly nominated for more than one ward of the same town/parish **must** withdraw their candidature in all those wards except one by that deadline, otherwise they shall be deemed to have withdrawn from **all** those wards.

#### **5. UNCONTESTED ELECTIONS**

If the number of people remaining validly nominated after any withdrawals does not exceed the number of Councillors to be elected, such people will be declared to be elected as soon as possible after the latest time for the delivery of withdrawals. The Returning Officer will give notice of their names to the Town/Parish Clerk and to the public.

If there are not enough candidates to fill all the vacancies, the Representation of the People Act 1985, Section 21 allows the elected members, provided there is a quorum (i.e. – one third of the whole number of members with a minimum of three) to co-opt members to fill the remaining vacancies.

If the Town/Parish Council fails to exercise the power to co-opt within seven weeks (35 days computed as under paragraph 3) or if there is no quorum, Wychavon Council may order a fresh election to properly constitute the Town/Parish Council.

#### **6. CONTESTED ELECTIONS**

When the result of the poll is known, the Returning Officer or the appointed Deputy will:-

- (a) declare to be elected, the candidate(s) to whom more votes have been given than to the other candidates, up to the number of Councillors to be elected;
- (b) give notice of the name of each candidate elected to the Town/Parish Clerk or Chairman;
- (c) give public notice of the name of each candidate and of the total number of votes given for each (whether elected or not) together with the number of rejected ballot papers

## **Part 5:**

### **Polling Day**

#### **1. HOURS OF POLL**

The hours of poll will be 7.00am to 10.00pm inclusive. There are however various statutory provisions for a poll not to take place or to be abandoned/adjourned in the event of the death of a candidate or a riot.

#### **2. POLLING STATIONS**

The location of polling stations will be published on the appropriate Notices of Poll, as well as appearing on the Council's website.

Please note that entry to polling stations is restricted to the following parties only:-

- The Returning Officer and his appointed staff
- The Presiding Officer and Poll Clerk(s)
- Voters (and any persons assisting a voter with disabilities)
- Candidate
- Election Agent
- Polling Agent
- Electoral Commission's Accredited Observers
- Police Officers or Community Support Officer
- Children under the age of 18, accompanying voters

### **The Count**

#### **1. VENUE**

The venue for the Count will be **Pershore Leisure Centre**.

#### **2. TIMETABLE**

The timetable for the verification and counting of votes will be supplied to the Candidate. The provisional timetable for the 2019 election is listed :-

- **Thursday 2 May at 10.00 pm**
  - Verification of all votes will take place at Pershore Leisure Centre
- **Friday 3 May at 9.30 am**
  - Counting of the contested District Council Wards
- **Friday 3 May – following District Ward counts**
  - Counting of the contested Town and Parish Council Wards

#### **3. ENTRY TO THE VERIFICATION AND COUNT**

Those people attending **must** present their letter of admittance prior to gaining entry to the hall where the verification/count is taking place. Movements of candidates and their agents will be restricted to certain areas only within the hall used for the count.

Those attending the Count will be able to buy refreshments from the vending machines. However it is imperative that no food or drink is brought into the hall where the verification and counting of votes is taking place.

# Post-Election Matters

## 1. DECLARATION OF ACCEPTANCE OF OFFICE

Successful candidates are not permitted to act as a Councillor until they have made a Declaration of Acceptance of Office. A person elected to the office of a Town or Parish Councillor must make this Declaration at or before the first meeting of that Council following their election, or with the prior agreement of the Council, at an alternative time.

The person making the declaration is required to observe the Code of Conduct adopted by the Town/Parish Council.

## 2. ANNUAL MEETING

A Town/Parish Council must hold an annual meeting each year on any day in May they choose. The annual meeting must be held on, or within fourteen days after, the day the new Councillors take office (i.e. the fourth day after the day of the election (usually a Monday).

## 3. CORRUPT AND ILLEGAL PRACTICES

There are a number of corrupt and illegal practices that candidates should be aware of. Broadly speaking, a corrupt practice involves bribing or using undue influence to obtain votes. An illegal practice might involve the making of a false statement about the personal character or conduct of another candidate, or paying others to canvass, display notices or pay for transport for voters to and from the polling station. **Failing to display the names and addresses of the publisher or printer on any election material is also an illegal practice.**

## Part 6:

### Election Expenses

**A further reminder here: Some candidates believe that they can claim their campaign expenses back from Wychavon Council, but this is NOT the case.**

At the end of the election period, even if no poll has taken place, each Candidate (whether successful or not) **MUST** submit a Statement of Election Expenses/Declaration to show the expenses (if any) incurred as part of their election campaign. These documents are required by law to be available for public inspection and failure to return one (even if it is a 'Nil Return') is an electoral offence.

Candidates will be sent a comprehensive guide detailing how Candidates should complete their election expenses return. The staff in the Elections Office are purely the recipients for the elections returns – they are not able to advise upon their completion or to check their accuracy.

If any issues regarding election expenses are not addressed in this Guide or contained in information within your nomination pack, you should contact:

Party and Electoral Finance, the Electoral Commission,

Tel. 020 7271 0616

E-mail: [pef@electoralcommission.org.uk](mailto:pef@electoralcommission.org.uk)

### The Electoral Campaign

The Electoral Commission's website at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk) provides invaluable information designed to assist Candidates.

The Electoral Commission may be contacted on 020 7271 0500, by e-mail on [info@electoralcommission.org.uk](mailto:info@electoralcommission.org.uk) or by post at 3 Bunhill Row, London, EC1Y 8YZ.