

Guide for Prospective Candidates

Malvern Hills District Parish and Town Council Elections 2019

These notes are issued as an aid to anyone who is standing as a candidate in the parish and town council elections. They are issued as guidance only and should not be relied upon as legally definitive. Anyone in any doubt on specific points should seek further clarification.

February 2019

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INTRODUCTION FROM THE RETURNING OFFICER



Hello I'm **Jack Hegarty** and I am the Returning Officer for the parish and town council elections taking place within the Malvern Hills District on Thursday 2 May.

These elections will be taking place alongside the all-out elections for the district council, so we will therefore be processing a large number of nomination papers this year.

The Elections Team will of course endeavour to help you with any queries you may have during the election process, but this guidance along with the briefing we are holding will hopefully answer many of your initial queries.

I would urge all candidates to familiarise themselves with the nomination process and perhaps liaise with their parish clerk to take up the offer of an informal check of all the nomination papers for a parish or town council before formally submitting them.

This guide is not intended as an authoritative interpretation of the law, and candidates are advised to seek their own legal advice. I would also urge you to make reference to our webpage at www.malvern hills.gov.uk/elections which will provide you with information throughout the election process. All relevant notices will be published on that page and sent to the parish clerks, 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 or via your clerk, rather than trying to telephone a member of the Elections Team.

In addition to the guidance produced by Malvern Hills District Council, the Electoral Commission has provided information on how to stand as a candidate, conduct a campaign, and account for all spending. As the Returning Officer, may I urge all candidates to familiarise themselves with the Electoral Commission's guidance documents, which can be found at from the "Standing for Election" tab at www.electoralcommission.org.uk

How to contact Malvern Hills District Council

For Members of the Public

The following details can be passed on to members of the public who have any queries:

Office Address	The Council House, Avenue Road, Malvern, WR14 3AF
Telephone Number	01684 862200
E-Mail Queries	elections@malvern hills.gov.uk
Website	www.malvern hills.gov.uk

For Candidates

The following details are reserved for Candidates only and must NOT be passed on to members of the public:

The Elections Team

Angela Rowley	01684 862200	angela.rowley@malvern hills.gov.uk
Jake Griffiths	01684 862259	jake.griffiths@malvern hills.gov.uk

Returning Officer's Office:

Laura Noonan	01684 862212	laura.noonan@malvern hills.gov.uk
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Electoral Commission's Midlands Office:

Chris Hinde	0300 068 3389	infoengland@electoralcommission.org.uk
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Malvern Hills District Council

Timetable of Proceedings

For Thursday 2 May 2019

Publication of Notice of Election	Fri 22 March 2019	Receipt of Nominations	4pm Wed
3 April 2019	Withdrawal of Candidate	4pm Wed	3 April 2019
Publication of Statements of Persons Nominated		4pm Thu	4 April 2019
Last Date for Voter Registration	Fri 12 April 2019	Receipt of Postal Vote Applications	5pm
Mon 15 April 2019	Receipt of Proxy Vote Applications	5pm Wed	24 April 2019
Appointment of Poll and Count Agents	Thu 25 April 2019		
Day of Poll			Thu 2 May 2019
Last Day to Issue Replacement Spoilt or Lost Postal Ballot Papers		5pm Thu	2 May 2019
Receipt of Emergency Proxy Vote Applications		5pm Thu	2 May 2019

Printed and published by the Returning Officer, The Council House, Avenue Road, Malvern, WR14 3AF

NOTICE OF ELECTION

Town & Parish Councils in the Malvern Hills District

Election of Councillors

for the Town & Parish Councils listed below

Electoral Divisions	Number of Councillors to be elected
Abberley	Nine
Alfrick	Seven
Astley and Dunley	Nine
Bayton	Seven
Berrow	Seven
Birtsmorton	Seven
Bockleton	Three
Bransford	Three
Broadwas	Five
Bushley	Seven
Castlemorton	Nine
Clifton on Teme	Seven
Cotheridge	Four
Croome D'Abitot	Three
Doddenham	Five
Earls Croome	Seven
Eastham	Seven
Eldersfield	Nine
Great Witley	Seven
Grimley	Nine
Guarford	Seven
Hallow	Eleven
Hanley	Seven
Hanley Castle	Eight
Hill Croome	Five
Hillhampton	Two
Holdfast	One
Holt	Seven
Kempsey	Thirteen
Kenswick	Two
Knighton on Teme	Nine
Knightwick	Three
Kyre	Five
Leigh	Eight

Lindridge	Nine
Little Malvern	Two
Little Witley	Seven
Longdon	Seven
Lower Broadheath	Eleven
Lulsley	Two
Madresfield	Five
Malvern Town – Chase Ward	Four
Malvern Town – Dyson Perrins Ward	Three
Malvern Town – Link Ward	Four
Malvern Town – North Malvern Ward	Two
Malvern Town – Pickersleigh Ward	Four
Malvern Town – Priory Ward	Three
Malvern Wells – All Saints Ward	Six
Malvern Wells – St Peters Ward	Seven
Mamble	Five
Martley	Nine
Newland	Seven
Pendock	Seven
Pensax	Seven
Powick – Callow End Ward	Seven
Powick – Powick Ward	Eight
Queenhill	One
Ripple	Nine
Rochford	Five
Rushwick	Nine
Severn Stoke	Nine
Shelsley Beauchamp	Four
Shelsley Kings	Four
Shelsley Walsh	One
Shrawley	Seven
Stoke Bliss	Seven
Suckley	Nine
Tenbury Town – St Michaels Ward	Two
Tenbury Town – Town Ward	Eleven
Upton upon Severn Town – Hook Ward	Four
Upton upon Severn Town – Longdon Heath Ward	Two
Upton upon Severn Town – Town Ward	Nine
Welland	Nine
West Malvern	Seven
Wichenford	Seven

1. Forms of nomination for Town and Parish Elections may be obtained at Room F7, Council House, Avenue Road, Malvern, Worcestershire, WR14 3AF from the Returning Officer who will, at the request of an elector for any electoral area prepare a nomination paper for signature.
2. Nomination papers must be delivered to the Returning Officer, Room F7, Council House, Avenue Road, Malvern, WR14 3AF on any day after the date of this notice but no later than 4pm on Wednesday, 3 April 2019.
3. If any election is contested the poll will take place on Thursday, 2 May 2019.
4. Applications, amendments or cancellations of postal votes must reach the Electoral Registration Officer at Room F7, Council House, Avenue Road, Malvern, WR14 3AF by 5pm on Monday, 15 April 2019.

5. Applications to vote by proxy at this election must reach the Electoral Registration Officer at Room F7, Council House, Avenue Road, Malvern, WR14 3AF by 5pm on Wednesday, 24 April 2019.
6. Applications to vote by proxy at this election applied for on grounds of either physical incapacity or absence in relation to occupation, employment or service occurring after 5pm on Wednesday, 24 April 2019 must reach the Electoral Registration Officer, Room F7, The Council House, Avenue Road, Malvern, WR14 3AF by 5pm on Thursday, 2 May 2019.

Printed and Published by the Returning Officer

NOMINATION PROCESS

To be eligible to stand as a parish or town councillor, you **must** be:

- Aged 18 or over on the day your nomination papers are submitted
- Either a British citizen, a Commonwealth citizen, a citizen of the Irish Republic or a citizen of a member state of the European Union.

Secondly, you **must** meet at least one of the following qualifications:

- i. on that day he/she is and thereafter he/she continues to be a local government elector for the area of the parish; or
- ii. he/she has during the whole of the twelve months preceding that day occupied as owner or tenant any land or other premises in the parish; or
- iii. his/her principal or only place of work during that twelve months has been in that area; or
- iv. he/she has during the whole of those twelve months resided either in the parish or within 4.8 kilometres of it.

If you qualify under more than one heading, it is good practice to include all those which apply.

You will be **unable** to stand as a candidate if:

- i. You are employed by the parish/community council or hold a paid office under the parish/community council (including joint boards or committees); or
- ii. You are the subject of a bankruptcy restrictions order or interim order; or
- iii. You have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day; or
- iv. You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations) or under the Audit Commission Act 1998.

Full details can be obtained online from the Electoral Commission at www.electoralcommission.org.uk

The period of office for councillors elected in May 2019 is four years beginning on Wednesday 8 May. Should a by-election be called during that period of office, the newlyelected councillor will remain in office only for the remainder of the original four year term.

SUBMITTING A NOMINATION PAPER

The first stage in running for election is to submit a nomination paper. To be validly nominated, you must complete and submit the following forms:

- Nomination Paper
- Home Address Form
- Candidate's Consent to Nomination
- The Certificate of Authorisation and (if applicable) the Request for a Party Emblem, if standing for a political party

The correct ward (if applicable) name, parish/town council name and date of election must be entered at the top of the form. The candidate's full name must be written on the nomination paper (initials alone are not permitted).

A candidate may, if desired, give a description, which must not exceed six words in length. As this description is what will appear on the printed ballot paper, if a candidate were to write their description as being "Hairdresser – Wavy Hair, Brown Eyes", that is what will be printed below their name on the ballot paper.

A candidate may not use a description/use an emblem which is likely to mislead voters into believing that they are associated with a political party, unless that description is authorised by a Certificate signed by or on behalf of the Party's Registered Nominating Officer. Any such request, must be received by the Returning Officer not later than the latest time for the delivery of nomination papers.

Each nomination paper must be subscribed by a proposer and a seconder, who must be registered local government electors for the parish/town **and** the specific ward if the parish/town is warded. The electoral numbers of the proposer and seconder must also be shown on the nomination paper.

No elector can subscribe to more nomination papers than there are vacancies for that particular electoral division and candidates should ensure that their name and description are added correctly **BEFORE** they seek a proposer and seconder. They should also offer the nomination paper for signature to each person, so that those details are clearly visible to avoid any confusion as to what they are being asked to sign.

Great care should be taken in the completion of nomination papers to ensure that they are not ruled to be invalid by the Acting Returning Officer. Candidates are advised to ensure that nomination papers are free of errors and crossings out. Correction fluids are not recommended and could result in a nomination paper being declared invalid.

Candidates can use names that they are commonly known by, rather than their given name and surname. However, you cannot use your first name as a commonly used name so that

only your first name and surname appear on a ballot paper, thus excluding your middle name. The legislation makes it clear that a commonly used name is one which is different from any other forename or surname. This means that a forename in its original format cannot be used as a commonly used name. If you wish to use a commonly used forename and/or surname then these must be different from your full name as it appears on the nomination form.

For example, a candidate called “Robert Slay” should enter those details on the nomination paper, but could also enter his commonly known details as “Bob Slay”. This would mean that the ballot paper and all other published notices would read “SLAY, Bob”.

A home address form will be included. **All** candidates should complete Part 1, and then those candidates who want their home address to **not** be made public need to complete Part

2.

Completed nomination papers must be submitted to the Acting Returning Officer before the deadline for close of nominations – **4pm on Wednesday 3 April**. Please note that the Council’s offices will be closed between Friday 3rd April and Monday 6th April inclusive.

WHERE TO SUBMIT YOUR NOMINATION PAPERS

You are strongly advised to book an informal check of your papers before formally submitting them in order to prevent the rejection of your nomination if it is found to be incorrectly completed. In any case, the Nomination Paper and Consent to Nomination **MUST** be delivered by hand, ideally either as a bulk delivery by the Parish Clerk, or by the individual candidate.

Informal checks can be booked in advance with the Deputy Returning Officer by telephoning 01684 862212 or emailing elections@malvern hills.gov.uk where an available slot will be agreed.

The location for handing in nomination papers is The Returning Officer, Room F7, Council House, Avenue Road, Malvern, WR14 3AF.

We will accept local nomination papers and be available to conduct informal checks on the following dates and times:

<ul style="list-style-type: none"> • Friday 22 March • Monday 25 – Friday 29 March • Monday 1 – Tuesday 2 April 	9am to 5pm inclusive
□ Wednesday 3 April	9am to 4pm inclusive*
*Please remember that papers must be formally submitted by 4pm on 3 April	

CONSENT TO NOMINATION

Candidates must also deliver to the Returning Officer a signed “**Candidates Consent to Nomination**”. The consent should contain a statement declaring that on the day of their nomination they are qualified to be elected and provide details of their qualification, and must be signed no earlier than Monday 9th March 2015. The consent must be attested by an

independent witness. The nomination is not valid unless the consent, properly completed and attested, is delivered within the time stated.

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 district electoral ward and the town/parish councils.

A Statement of Persons Nominated for each area will be published on the Council's website as soon as it becomes available, and no later than 4pm on Thursday 4 April. When viewing the website, we would recommend candidates press the "refresh" button, to ensure that they have the most up-to-date webpage on screen. Please refer to www.malvernhills.gov.uk/elections for further information and to view any statutory notices.

WITHDRAWAL OF CANDIDATURE

Any candidate wishing to withdraw their candidature must do so in writing and deliver this to The Returning Officer, Room F7, Council House, Avenue Road, Malvern, WR14 3AF. It must be signed by the candidate and one witness, and must be received no later than **4pm on Wednesday 3 April**.

UNCONTESTED ELECTIONS

If at 4pm on 3 April, the number of people remaining validly nominated 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, Malvern Hills District Council may order a fresh election to properly constitute the Town/Parish Council.

CONTESTED ELECTIONS

If at 4pm on 3 April, the number of people remaining validly nominated exceeds the number of Councillors to be elected, the poll will be held on Thursday 2 May.

POLLING DAY

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/adjoined in the event of the death of a candidate or a riot.

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.

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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
- Children under the age of 18, accompanying voters

THE COUNT

The venue for the verification and count will be The Bank House Hotel, Bransford, Worcester, WR6 5JD. **Further details about the verification and counting of votes will be supplied separately** after the candidate is validly nominated and it is known that the poll will be contested.

The provisional timetable is as follows:-

- **Thursday 2 May at 10pm**
- Verification of all votes for contested district wards and all contested town and parish council areas
- **Friday 3 May 9:30am**
- Counting of all contested district wards
- **Friday 3 May at 2pm**
- Counting of all contested town and parish council areas

ENTRY TO THE VERIFICATION AND COUNT

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

Those attending the Count will be able to buy refreshments. 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

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.

Failure to do this will mean their office will become vacant (Local Government Act 1972, Section 83). The person making the declaration is required to observe the Code of Conduct adopted by the Town/Parish Council.

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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).

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.**

ELECTION EXPENSES

Comprehensive guidance on Election Expenses is contained in the Electoral Commission's "Guidance for Candidates and Agents" – Part 3. The expenses forms are enclosed along with these notes.

Please note that election expenses are **not** reimbursed, however there are limits on the amount that can be spent and every candidate must submit an expenses return within 35 after the declaration of results – even candidates who have spent nothing on their campaign.

To assist you with planning your campaign, we can provide you with the statistics for the Register of Electors as at the publication of the notice of election from the register published on 1 March.

Further copies of the expenses forms can be obtained from the Electoral Commission's website at: <http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/local-electionsengland-and-wales>

Expenses and the necessary Agent's and Candidate's Declarations shall be delivered to the Returning Officer **within 35 days after the day on which the result is declared.**

It is neither the role nor responsibility of the Acting Returning Officer's staff to provide guidance/advice on the completion of the returns and declarations. The submission of these forms is a legal requirement, and a record of all such returns and declarations are held by the Acting Returning Officer's staff for public inspection for a period of two years.

The expense limits in force for these elections are £740 plus 6p per elector in the parish/town or ward for the register in force on 1 March 2019.

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PARISH/TOWN COUNCIL ELECTIONS 2019

MALVERN HILLS DISTRICT COUNCIL

Notices of Time and Place for Local Key Events Given to Agents and Candidates at the Election

Event	Notice Given in Accordance with	Time and Place	Number of Agents who may attend
Polling Agents	Schedule 1, Rule 30		Not more than one polling agent may be admitted at the same time to a polling station on behalf of the same candidate. Notice of appointment to be given to the Returning Officer by close of office on <u>Wednesday 29 April</u> .
Opening of the Postal Votes	Schedule 2, Rules 45, 56	Elgar & Morgan Rooms, Council House, Avenue Road, Malvern, WR14 3AF Opening Sessions: Daily on each working day from 23 April to 2 May from 9am. (Openings may be cancelled at short notice if there are insufficient postal votes returned). A final opening at the Count at 8pm on Thursday 2 May. Top-slitting of Covering Envelopes (contents <u>not</u> removed):	Notice of appointment to be given to the Returning Officer <u>before the start of the opening session</u> .

		This will commence 30 minutes before each official opening session begins.	
Counting of the Votes	Schedule 1, Rule 30	Verification from 10pm on Thursday 2 May. Count from 12 noon on Friday 3 May.	TO BE CONFIRMED AT CLOSE OF NOMINATIONS Notice of appointment to be given to the Returning Officer by close of office on Thursday 25 April

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POSTERS AND FLY-POSTING

1. Introduction

- To display any advert on private land, you need permission from the site-owner and in most cases planning permission, which may not always be granted. Signs on the highway, however, are illegal and could result in prosecution with fines of up to £2,500 per sign, plus compensation costs to cover the removal of signs and the repair of any damage.
- Under the Highways Act 1980, Town and Country Planning Act 1990, Town and Country Planning (Control of Advertisements) Regulations 1992, Anti-Social Behaviour Act 2003, Clean Neighbourhoods & Environment Act 2005, and the Local Government Act 1972, the Council can immediately remove or place 'Cancelled' notices on unauthorised advertisements.

2. At Elections

- The Council does not permit any posters on Council owned buildings, vehicles or street 'furniture', except where they form part of the Polling Station.