

# Corporate Directorate



The Returning Officer  
Babergh District Council  
Corks Lane  
Hadleigh  
Ipswich  
IP7 6SJ

Please ask for: Electoral Services  
Direct line: 0300 123 4000  
Your reference:  
Our reference:  
E-mail: elections@baberghmidsuffolk.gov.uk  
Please reply to:

2<sup>nd</sup> October 2017

Dear Candidate,

## Nomination Pack for Shotley Parish Council By-Election on 9<sup>th</sup> November 2017

Please find enclosed a complete nomination pack for the above election. All candidates must complete the following two forms:

- 1a – Nomination Paper
- 1b – Candidates Consent to Nomination (please leave all 7 pages of legislation attached)

These forms must be delivered **by hand** to the Returning Officer at the Babergh District Council Offices, please make an appointment and return them by **4pm on Friday 13 October 2017**, but not before **Thursday 5<sup>th</sup> October 2017**. The forms cannot be emailed or submitted by post. However, somebody else can deliver them by hand on your behalf.

If you are standing as a political party candidate you also need to complete the following forms:

- 2 – Certificate of Authorisation
- 3 – Request for a Party Emblem

These forms may be submitted by hand or by post. A scanned copy sent by email would also be acceptable; however you must ensure that the image is of a good quality. These forms must also be received by the Returning Officer by **4pm on Friday 13<sup>th</sup> October 2017**.

If you would like us to undertake an informal check of your nomination paper before it is formally submitted, please telephone the number above to arrange an appointment. It is recommended that you make this appointment as early as possible to ensure that you have time to correct any mistakes or omissions arising from the informal check.

Once the Returning Officer has formally received and accepted your nomination paper as valid you will receive a notice of validity from me, along with other statutory election notices and further information about the election process. Please provide us with your contact details on the enclosed form so that we may contact you with this critical information.

If you have any queries, please do not hesitate to contact me.

Yours sincerely,

Emily Yule  
Head of Law and Governance

## Candidates Contact Details

Name:

		Tick preferred contact method
Mobile Number		
Home Number		
Work Number (if applicable)		
Email address		
Are there any times between now and polling day when you are not contactable?		

This checklist is designed to assist candidates standing in a parish council election<sup>1</sup> in England or Wales in preparing to submit their nomination, and should be read alongside the Electoral Commission's [Guidance for candidates and agents](#).

Task	Tick
<b>Nomination paper (all candidates)</b>	
Add your full name – surname in the first box and all other names in the second	
Optional - Use the commonly used name(s) box(es) if you are commonly known by a name other than your full name and want it to be used instead of your full name on the ballot paper. If you complete a commonly used forename then whatever appears in the commonly used surname box will appear on the ballot paper even if it is left blank. So if you complete a commonly forename but not a commonly used forename then your forename alone will appear on the ballot paper.	
Description – Party candidates can use a party name or party description shown on the Electoral Commission's website and supported by a certificate of authorisation from that party. Any candidate may use a description that is not likely to lead electors to associate the candidate with a registered political party or can use 'Independent' (and/or 'Annibynol' in Wales) or leave this blank. Whatever you enter in this box will appear as your description on the ballot paper	
Add the full home address of the candidate	
Subscribers – both subscribers must sign and have their name printed. Use your copy of the electoral register to make sure the elector number of both subscribers is accurate	
Method of submitting the form to the RO: in person (but not limited to yourself), by hand	
<b>Candidate's consent (all candidates)</b>	
You must be a British, Commonwealth or other European Union Citizen and not require leave to enter or remain in the United Kingdom or have indefinite leave to remain. You must also be 18 years old or older on the date you sign this form.	
You must meet at least one of the listed qualifications (a, b, c or d). Complete in full the details for all the qualifications that you meet in the space provided within the relevant box(es).	
You must not sign the form if you are disqualified to stand. Make sure that you read the Electoral Commission guidance on standing for election as well as the legislation listed. If you are not sure if you are able to stand you should contact the Electoral Commission or, if necessary, take your own legal advice.	
Add your full date of birth	
Sign and date the document in the presence of another person	
Get the other person to complete and sign the witness section	
Method of submitting the form (which must include all pages of legislation) to the RO: in person (but not limited to yourself), by hand	
<b>Certificate of authorisation (party candidates only)</b>	
Ensure the certificate contains the candidate's full name	
Check the certificate allows the registered party name or description given on the nomination paper to be used (or allows the candidate to choose to use the party name or any registered	

<sup>1</sup> This is not to be used for mayoral or principal area elections. Separate [forms and guidance are available](#).

description)	
Ensure it is issued by the party Nominating Officer (or someone that they have authorised to issue it on their behalf)	
Method of submitting the form to the RO: in person (but not limited to yourself) or by post	
<b>Request for party emblem (party candidates only)</b>	
Write the name or description of an emblem registered by the party and published on the Electoral Commission's website	
Ensure the request is made by the candidate	
Method of submitting the form to the RO: in person (but not limited to yourself) or by post	

Office Use only	Date received	Time received	Initials	No.

<b>1a</b>	<b>Parish Election</b>	<b>Nomination paper</b>
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*ELECTION OF PARISH COUNCILLOR for the	
Parish of	Shotley
Date of election:	9 <sup>th</sup> November 2017

We, the undersigned, being local government electors for the said \*ward/parish/community do hereby nominate the under-mentioned person as a candidate at the said election.

Candidate's details	
Candidate's surname	Mr/Mrs/Miss/ Ms/Dr/Other
Other forenames in full	
Commonly used surname (if any)	
Commonly used forenames (if any)	
Description (if any) use no more than six words	
Home address in full	

	Signature	Print name	Electoral number	
			Polling district	Elector number
Proposer:				
Secunder				

<sup>1</sup> Insert name of parish ward (if any).  
<sup>2</sup> Insert name of parish

## Notes

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination papers contained in the election rules in the Local Elections (Parishes and Communities) Rules 2006.
2. Where a candidate is commonly known by some title they may be described by their title as if it were their surname.
3. Where a candidate commonly uses a name that is different from any other name they have, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper.
4. But the ballot paper will show the other name if the returning officer thinks that the use of the commonly used name
  - (a) may be likely to mislead or confuse electors, or
  - (b) is obscene or offensive.
5. An elector may not –
  - (a) subscribe more nomination papers than there are vacancies to be filled in the electoral area in which the election is held; or
  - (b) subscribe a nomination paper for more than one ward in a parish or community divided into wards.
6. In this form 'elector' –
  - (a) means a person whose name is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of election; and
  - (b) includes a person then shown in the register 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.
7. However, a person who has an anonymous entry in the register of local government electors cannot nominate a candidate for election.

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1b

Parish Election

Candidate's consent to nomination

Date of election:	9 <sup>th</sup> November 2017		
I (name in full):			
of (home address in full):			
hereby consent to my nomination as a candidate for election as councillor for the:			
Parish of	Shotley		
I declare that on the day of my nomination I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Union who has attained the age of 18 years and that:			
*a. I am registered as a local government elector for the area of the parish named above in respect of ( <i>qualifying address in full</i> ):			or
and my electoral number ( <i>see Note below</i> ) is:			
*b. I have during the whole of the 12 months preceding that day or those days occupied as owner or tenant the following land or other premises in the parish ( <i>description and address of land or premises</i> ):			or
*c. my principal or only place of work during those 12 months has been in that parish at ( <i>give address of place of work and, where appropriate, name of employer</i> ):			or
*d. I have during the whole of the last 12 months resided in that parish or within 4.8 kilometres of it at ( <i>give address in full</i> ):			or
* For a nomination in England: I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, section 80 of the Local Government Act 1972, section 78A of the Local Government Act 2000 or section 34 of the Localism Act 2011 (copies of which are printed overleaf).			
*For a nomination in Wales: I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, section 80 of the Local Government Act 1972 or section 78A or 79 of the Local Government Act 2000 (copies of which are printed overleaf).			
Candidate's date of birth:	Candidate's signature:	Date:	
Witness: I confirm the above-mentioned candidate signed the declaration in my presence.			
Witness (name in full):			
of (address in full):			
Witness's signature:			

**Notes:** A person's electoral number is their number in the register to be used at the election (including the distinctive letters of the polling district in which they are registered). **A candidate who is qualified by more than one qualification may complete all of those that may apply.**

## Local Government Act 1972

### 80. Disqualifications for election and holding office as member of local authority.

(1) Subject to the provisions of section 81 below, a person shall be disqualified for being elected or being a member of a local authority if he –

- (a) holds any paid office or employment (other than the office of chairman, vice-chairman, deputy chairman, presiding member or deputy presiding member or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive) appointments or elections to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a joint committee or National Park authority on which the authority are represented or by any person holding any such office or employment; or
- (b) is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order, or a debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986; or
- (c) [This has been removed and no longer applies]
- (d) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
- (e) is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983.

(2) Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of –

- (a) a committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority; or
- (b) a joint board, joint authority, economic prosperity board, combined authority, joint waste authority or joint committee on which the authority are represented and any member of which is so appointed;

shall be disqualified for being elected or being a member of that other local authority.

(2AA) A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes –

- (a) one or more persons appointed on the nomination of the Authority acting by the Mayor, and
- (b) one or more members of one or more London borough councils appointed to the committee on the nomination of those councils,

shall be disqualified for being elected or being a member of any of those London borough councils.

(2A) Subsection (2) above shall have effect as if the reference to a joint board included a reference to a National Park authority.

(2B) For the purposes of this section a local authority shall be treated as represented on a National Park authority if it is entitled to make any appointment



of a local authority member of the National Park authority.

(3) Subsection (1)(a) shall have effect in relation to a teacher in a school maintained by the local authority who does not hold an employment falling within that provision as it has effect in relation to a teacher in such a school who holds such an employment.

(5) For the purposes of subsection (1)(d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the conviction.

#### **81. Exception to provisions of section 80**

(4) Section 80(2) and (3) above shall not operate so to disqualify –

- (a) any person by reason of his being a teacher, or otherwise employed, in a school or other educational institution maintained or assisted by a county council for being a member of a district council by reason that the district council nominates members of the education committee of the county council

### **Local Government Act 2000**

Persons disqualified by eligible tribunals. The following is the legislation that describes how persons disqualified by certain tribunals are disqualified from standing in local government elections.

#### **78A. Decisions of First-tier Tribunal**

[(1) Deleted.]

(2) Where the First-tier Tribunal adjudicates on any matter under this Act, it must decide whether or not any person to which that matter relates has failed to comply with the code of conduct of the relevant authority concerned.

(3) Where the tribunal decides that a person has not failed to comply with the code of conduct of the relevant authority concerned, it must give notice to that effect to the standards committee of the relevant authority concerned.

(4) Where the tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned, it may—  
(a) take in respect of him any action authorised by regulations made by the Secretary of State for the purposes of this subsection, or  
(b) decide to take no action against him.

(5) Regulations made under subsection (4) may in particular—  
(a) enable the tribunal to censure the person,  
(b) enable it to suspend, or partially suspend, the person from being a member or co-opted member of the relevant authority concerned for a limited period,

(c) enable it to disqualify the person, for a period not exceeding five years, for being or becoming (whether by election or otherwise) a member of that or any other relevant authority.

(6) The reference in subsection (5)(b) to the relevant authority concerned is to be read, in relation to a person who is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority in England, as a reference to that other relevant authority.

(7) Regulations made by the Secretary of State may require the First-tier Tribunal to give a notice to the standards committee of the relevant authority concerned where it decides that a person has failed to comply with the code of conduct of that authority and—

- (a) decides to suspend or partially suspend the person,
- (b) decides to disqualify the person,
- (c) decides to take action against the person other than suspension, partial suspension or disqualification, or
- (d) decides to take no action against him.

(8) Regulations under subsection (7) may—

- (a) prescribe the content of any notice,
- (b) provide for the effect that any notice is to have,

(c) provide for provisions of the regulations to have effect with prescribed modifications where the person concerned is no longer a member or co-opted member of the relevant authority concerned, but is a member or co-opted member of another relevant authority in England

## **79. Decisions of case tribunals: Wales**

Section 79 only applies to candidates standing in Wales

(A1) In this section “Welsh case tribunal” means a case tribunal drawn from the Adjudication Panel for Wales.

(1) A Welsh case tribunal which adjudicates on any matter must decide whether or not any person to which that matter relates has failed to comply with the code of conduct of the relevant authority concerned.

(2) Where a Welsh case tribunal decides that a person has not failed to comply with the code of conduct of the relevant authority concerned, it must give notice to that effect to the standards committee of the relevant authority concerned.

(3) Where a Welsh case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned, it must decide whether the nature of the failure is such that the person should be suspended or disqualified in accordance with subsection (4).

(4) A person may be—

- (a) suspended or partially suspended from being a member or co-opted member of the relevant authority concerned, or

- (b) disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority.
- (5) Where a Welsh case tribunal makes such a decision as is mentioned in subsection (4)(a), it must decide the period for which the person should be suspended or partially suspended (which must not exceed one year or, if shorter, the remainder of the person's term of office).
- (6) Where a Welsh case tribunal makes such a decision as is mentioned in subsection (4)(b), it must decide the period for which the person should be disqualified (which must not exceed five years).
- (7) Where a Welsh case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned but should not be suspended or disqualified as mentioned in subsection (4), it must give notice to the standards committee of the relevant authority concerned—
  - (a) stating that the person has failed to comply with that code of conduct, and
  - (b) specifying the details of that failure.
- (8) Where a Welsh case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned and should be suspended or partially suspended as mentioned in subsection (4)(a), it must give notice to the standards committee of the relevant authority concerned—
  - (a) stating that the person has failed to comply with that code of conduct,
  - (b) specifying the details of that failure, and
  - (c) stating that the person is suspended or partially suspended for the period, and in the way, which the tribunal has decided.
- (9) The effect of a notice given to the standards committee of a relevant authority under subsection (8) is to suspend or partially suspend the person concerned as mentioned in subsection (8)(c).
- (10) Where a Welsh case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned and should be disqualified as mentioned in subsection (4)(b), it must give notice to the standards committee of the relevant authority concerned—
  - (a) stating that the person has failed to comply with that code of conduct,
  - (b) specifying the details of that failure, and
  - (c) stating that the person is disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority for the period which the tribunal has decided.
- (11) The effect of a notice given to the standards committee of a relevant authority under subsection (10) is to disqualify the person concerned as mentioned in subsection (10)(c).
- (12) A copy of any notice under this section—
  - (a) must be given to the Public Services Ombudsman for Wales,
  - (b) must be given to any person who is the subject of the decision to which the notice relates, and
  - (c) must be published in one or more newspapers circulating in the area of the relevant authority concerned.

(13) Where the person concerned is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority—

- (a) a copy of any notice under subsection (2), (7) or (10) must also be given to the standards committee of that other relevant authority,
- (b) the reference in subsection (4)(a) to the relevant authority concerned is to be treated as a reference to that other relevant authority,
- (c) the duty to give notice to the standards committee of the relevant authority concerned under subsection (8) is to be treated as a duty—
  - (i) to give that notice to the standards committee of that other relevant authority, and
  - (ii) to give a copy of that notice to the standards committee of the relevant authority concerned,

(d) the reference in subsection (12)(c) to the relevant authority concerned is to be treated as including a reference to that other relevant authority.

(14) A Welsh case tribunal must take reasonable steps to inform any person who made any allegation which gave rise to the adjudication of the decision of the Welsh case tribunal under this section.

(15) Where a Welsh case tribunal decides under this section that a person has failed to comply with the code of conduct of the relevant authority concerned, that person may appeal to the High Court against that decision, or any other decision under this section which relates to him.

(16) An appeal may not be brought under subsection (15) except with the leave of the High Court.

## Localism Act 2011

The Localism Act only applies to candidates standing in England

*Section 34(4) describes how a person may be disqualified from standing in local government elections under this section. The remaining provisions of section 34 do not directly affect a person's entitlement to stand for election*

### 34 Offences

(1) A person commits an offence if, without reasonable excuse, the person—

- (a) fails to comply with an obligation imposed on the person by section 30(1) or 31(2), (3) or (7),
- (b) participates in any discussion or vote in contravention of section 31(4), or
- (c) takes any steps in contravention of section 31(8).

(2) A person commits an offence if under section 30(1) or 31(2), (3) or (7) the person provides information that is false or misleading and the person—

- (a) knows that the information is false or misleading, or
- (b) is reckless as to whether the information is true and not misleading.

(3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A court dealing with a person for an offence under this section may (in addition to any other power exercisable in the person's case) by order disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.

(5) A prosecution for an offence under this section is not to be instituted except by or on behalf of the Director of Public Prosecutions.

(6) Proceedings for an offence under this section may be brought within a period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.

(7) But no such proceedings may be brought more than three years—

(a) after the commission of the offence, or

(b) in the case of a continuous contravention, after the last date on which the offence was committed.

(8) A certificate signed by the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact; and a certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.

(9) The Local Government Act 1972 is amended as follows.

(10) In section 86(1)(b) (authority to declare vacancy where member becomes disqualified otherwise than in certain cases) after “ 2000 ” insert “ or section 34 of the Localism Act 2011 ”.

(11) In section 87(1)(ee) (date of casual vacancies)—

(a) after “2000” insert “ or section 34 of the Localism Act 2011 or ”, and

(b) after “decision” insert “ or order ”.

(12) The Greater London Authority Act 1999 is amended as follows.

(13) In each of sections 7(b) and 14(b) (Authority to declare vacancy where Assembly member or Mayor becomes disqualified otherwise than in certain cases) after sub-paragraph (i) insert—

“(ia) under section 34 of the Localism Act 2011,”.

(14) In section 9(1)(f) (date of casual vacancies)—

(a) before “or by virtue of” insert “ or section 34 of the Localism Act 2011 ”, and

(b) after “that Act” insert “ of 1998 or that section ”.

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2

Parish Election

Certificate of authorisation

To accompany the nomination of a candidate standing on behalf of a registered political party. (Note: candidates standing on behalf of two or more parties require a certificate from each party and each must allow the same registered joint description to be used).

This certificate must be issued by the registered Nominating Officer of the party or by a person authorised to sign on their behalf.

This certificate authorises the candidate to use a specific registered description or the name of the party as registered with the Electoral Commission, or to use 'any registered description or the party name as registered with the Electoral Commission'.

This authorised party name or description can then be included by the candidate on the nomination form. It is this which will appear as their description on the ballot paper. Party names and registered descriptions are listed on the Electoral Commission's website ([www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)).

**Details of candidate to be authorised and the allowed description/party name**

Parish name:	Shotley	Date of election:	09/11/2017
The candidate (name in full):			
Name of political party:	(Political party registered with the Electoral Commission)		
I hereby certify that the candidate may include the following registered description or party name in their nomination form:			
Note: It is an offence to make a false declaration.			
Signature of party's registered Nominating Officer (or person authorised by the registered Nominating Officer):			
Name of person signing this form:			
Date:			

This form must be delivered to the Returning Officer by no later than 4pm on the last day to deliver nominations.

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3

Parish Election

Request for a party emblem

This form is for a candidate of a political party who is subject to a certificate of authorisation and who wishes to have a party emblem printed on the ballot paper next to their name.

**This form must be signed by the candidate.**

Candidate's request for use of an emblem			
Parish name:	Shotley	Date of election:	09/11/2017
Candidate name in full:			
I request that the ballot paper shall contain, against my name, the following registered emblem (please identify which emblem if the party has registered more than one)			
Emblem to be used (Please use name or description as on Electoral Commission website):			
Candidate's Signature:			
Date:			

This form is only effective if delivered for a candidate standing on behalf of a political party to the Returning Officer by no later than 4pm on the last day to deliver nominations.

Candidates standing on behalf of more than one political party and using a joint description may choose one emblem from one of the parties that you are standing for. Please indicate the name of the party and the emblem name in the 'Emblem to be used' box above.