



A Short Guide to Town and Parish Council Election Procedures

Information for Parish and Town Clerks

Introduction

These notes are to advise Parish and Town Councils of the law and practice relating to town and parish council elections.

The rules and regulations for Town and Parish Council Elections are included in the 1983 and 1985 Representation of the People Acts together with the Local Elections (Parishes and Communities) Rules 1986. In addition, the Electoral Administration Act 2006 includes provisions concerning the way that voting is carried out at the polling station and about postal and proxy voting. The rules also explain the electoral timetable, combined elections, poll cards and the co-option of members.

The Returning Officer appointed by the District Council is responsible for the conduct of, and arrangements for, Town and Parish Council elections. However the town or parish council and its proper officer 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.

Term of Office

Parish and Town Councillors hold office for four years. When scheduled elections are held (usually the first Thursday in May, every four years), the terms of all the existing Councillors end on the fourth day after the day of the election, at which time the newly elected councillors succeed them (provided they have made declarations of acceptance of office).¹

There is one exception to this. The Chairman of a parish or town council continues in office until his or her successor is appointed and this applies even if he or she is not re-elected or does not stand for re-election. The Vice-Chairman also continues until after the new Chairman is elected.

Existing Councillors may put themselves forward for re-election but they will not be able to serve a further term unless they have been properly nominated as candidates and are subsequently elected.

Notice of Election

Every election commences with the publication by the Returning Officer of the Notice of Election. It specifies the number of candidates to be elected and sets out various deadline dates for the election, including the date and time by which nomination papers must be submitted. A copy will be sent to the Parish/Town Clerk for publication within the Parish.

Nomination

In order to stand for election, a candidate must submit a nomination paper. It is very important that nomination papers be completed correctly. The following information should be used as a guide:

¹ Local Government Act 1972, section 16(3).

- a. Each candidate must be nominated on a separate nomination paper.
- b. The nomination paper must show:
- Name and home address in full. This means all of the candidate's forenames (not initials) as well as their surname and their complete address, including the post code and with the names of roads and streets completed in full (not abbreviated).
 - Common name (if desired). If a candidate is commonly known by some other name and wishes to have it used on the official documents relating to the election (including the ballot papers), they may specify it on the nomination paper and the Returning Officer will decide whether it can be used instead of the candidate's given name(s).
 - Description (if desired). Examples of descriptions include the name of a political party, the candidate's profession or any description of not more than six words which best describes them or the reason why they are standing. If a candidate proposes to stand under the name of a political party, the nomination paper must be accompanied by a certificate signed by a duly authorised officer of that party confirming that the candidate may use the party's name as his or her description.
- c. A nomination paper must be signed by two electors – a Proposer and a Secunder. Both electors must appear on the current electoral register and neither can sign more nomination papers than there are vacancies to be filled. The nomination paper will not be valid unless the proposer's and the seconder's electoral numbers are also given on the nomination paper. Where Parish/Town Clerks are providing these numbers to help candidates complete their papers, be aware that the numbers are liable to change every time a new register of electors is published (every 1 December). It is essential therefore to have the most up to date version of the register. If in doubt, contact the elections office.
- d. A document confirming that the candidate consents to their nomination must accompany the nomination paper and it must be witnessed by someone who knows the candidate. Candidates must also state on this consent that they are qualified to stand for election, and to specify how they are so qualified. To qualify, a candidate must satisfy at least one of the following -
- to be registered as a local government elector of the parish, or
 - during the whole of the last 12 months to have occupied either as owner or tenant, land or other premises in the parish, or
 - during that period to have had their principal or only place of work located within the parish, or
 - during the whole of the preceding 12 months, to have resided in the parish or within 4.8 kilometres (3 miles) of the parish boundary.
- It is good practice for a candidate to indicate all the qualifications that apply.

The information on the nomination paper will be reproduced exactly on the Statement of Persons Nominated and, subsequently, on the ballot papers.

The Returning Officer will prepare the Statement of the Persons Nominated as soon as possible after the last time for submitting nomination papers and a copy will be sent to the Parish Clerk for publishing locally. There follows a further short period during which validly nominated candidates may withdraw from candidature. After that, if more

candidates remain than there are vacant seats on the Council, the election will be contested and a poll will be held.

Contested Elections

Where an election is contested, the Returning Officer will make arrangements for a poll to be held between 7 a.m. and 10 p.m. on the day specified. Amongst other things, this will involve booking polling stations, appointing polling, clerical and count staff, printing ballot papers and dispatching postal votes. At principal council elections poll cards also have to be issued to electors but they are not compulsory at Town and Parish Council elections. Where the poll at a Town or Parish Council election is not combined with a poll at a District or County Council election, the Parish or Town Council may nevertheless request that poll cards be produced and issued to electors but, if so, the request must be made in writing and submitted before the close of the nominations process. It is not therefore possible for the Council to wait to consider this until after it is known whether the election will be contested. If no request for poll cards is made by the deadline, they cannot be issued, regardless of how many candidates there may be at the election. A sample form for requesting poll cards is attached at Appendix 5.

Where a Parish or Town Council election takes place on its own, the full costs of producing and mailing poll cards will be recharged to the Parish/Town Council, as will the costs of hiring venues, paying staff, sending and receiving postal votes, printing ballot papers etc. Where polls are combined, some costs can be shared, such as the cost of hiring a polling station used for both elections and the fees paid for people to staff it.

Uncontested scheduled elections

If the number of remaining candidates is the same as there are seats on the Council, the validly nominated candidates automatically become Councillors without a contest. The Returning Officer will give public notice and formal notice to the proper officer of the Parish or Town Council of the persons declared to be elected. An unopposed candidate will take office immediately after they have been declared to be elected² provided they sign the Declaration of Acceptance of Office.

If there are fewer candidates than there are seats on the Council, the validly nominated candidates take up office and the remaining seats will be filled in one of two ways:

- 1) If the number of Councillors that have taken up office comprises a quorum (one-third of the total number of seats on the Council, subject to a minimum of three), then the Council can make its own decisions about who should be taken on to the Council to fill the remaining available seats. They fill the remaining seats by the process of co-option (further information about this is given below).
- 2) If the number of Councillors that have taken up office does not constitute a quorum, the Returning Officer must order a fresh election³, which must be held within 35 working days of the date fixed for the original election. In the meantime the District Council may by order temporarily appoint persons to fill the seats in order to establish a quorum for the Council and permit it to undertake any statutory business⁴.

² Local Government Act 1972, Section 16(3)

³ Section 39 of the Representation of the People Act 1983

⁴ Local Government Act 1972, Section 91

Co-option to unfilled seats after a scheduled Election:

Where the Council has a quorum, co-option to fill seats that were left unfilled after an ordinary, scheduled election can occur straight away after the election has taken place. The process of co-option and a suggested 'best practice' method for carrying it out is detailed below. The Council may, nevertheless, wish to write its own procedure or guidelines for co-option to ensure that the process is open and fair to all.

Casual Vacancies - vacancies arising from resignations etc.

During the 4-year term of a Council, if one of the Councillors fails to attend meetings for a period of 6 months, resigns, dies, ceases to be qualified or is disqualified, a 'casual vacancy' occurs. The procedure for dealing with casual vacancies is set out below -

- The proper officer must inform the Returning Officer in writing of the circumstances. This can be done by emailing the Elections Office (electoral@babergh.gov.uk) or telephoning 01473 825713.
- Upon notification of a vacancy to the Returning Officer, the proper officer may display an official 'Notice of Vacancy'. You may produce your own 'Notice of Vacancy' but, if so, it must contain the correct legal wording (see the example at Appendix 2). You must send a copy of it to the Elections Office and confirm when it was published so that we may calculate the deadline for the submission of any requests for an election to be held. Such requests are only valid if they are received by the Returning Officer within a period of 14 days (excluding bank holidays and weekends) following publication of the Notice.
- Apart from the time limit for requesting an election to fill a casual vacancy, such a request needs to be made by ten electors for the area concerned (if the parish or town is warded, that means ten electors from the ward in which the vacancy has arisen). The request must be signed by each of the ten electors and delivered to the Returning Officer at the Babergh District Council offices, Corks Lane, Hadleigh, IP7 6SJ. There is no prescribed form for this request but it does not need to be ten separate requests and a sample form of "petition" calling for an election is attached at Appendix 4. If a request for an election is received, the Returning Officer will notify the Parish or Town Council as soon as possible and a by-election will be held in accordance with the Regulations. The Returning Officer will decide upon the date of the election, which must be held within 60 working days of the first date of publication of the Notice of Vacancy.
- If no request for an election is received, the 'Notice of Vacancy' expires after 14 days and the Returning Officer will inform the Council that no election has been called. The Council may then co-opt a new Councillor to fill the vacancy.

Co-option following a Casual Vacancy:

*The process of co-opting a new Councillor to fill a vacant seat **following a casual vacancy** can only be carried out after the vacancy has been advertised using a 'Notice of Vacancy' and that notice has expired. There are, however, no procedures laid down in the legislation concerning how to go about co-opting someone to membership of a Parish or Town Council and the following is intended therefore only as a guide.*

Co-option procedures

In order for the Council to obtain expressions of interest from people in the community in becoming a Councillor, the Council can display its own form of advertisement to show that there is a vacancy that the Council wishes to fill. This is an informal notice to gain interest from potential co-optees and should not be confused with the official 'Notice of Vacancy' (see above).

It is generally regarded as good practice to make the vacancy as widely known as possible. It would be helpful to provide the contact details of someone who can advise on the responsibilities and time commitments involved and to specify the date by which applications should be received.

Membership of a Parish or Town Council is open to British Citizens, Commonwealth Citizens, and citizens of other European Union member states who satisfy the statutory qualifications. These qualifications apply equally to candidates at an election and applicants for co-option. A candidate therefore qualifies if he or she is a registered elector in the Parish area or if, during the whole of the twelve months before the election or co-option, they have owned or been a tenant of any land or premises in the Parish, or if their principal or only place of work has been in the Parish, or if they have resided in the Parish or within 4.8km (3 miles) of it.

There is no upper age limit, but Councillors must be over 18 years when elected or co-opted. There are some disqualifications, such as being an employee of the Council or an undischarged bankrupt. Details may be obtained from the elections office if required.

All applicants should be invited individually to an interview with the Parish/Town Council. It would be helpful, but not compulsory, if applicants could provide the Council in advance with a C.V. or a few notes about themselves, their experience or any other information that would help the Council make its decision. When all the candidates have been seen, the full Council should then decide whom they wish to appoint and all applicants should be informed as soon as possible after that.

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 a 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 public. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.

A person elected or co-opted to fill a casual vacancy holds office until the person in whose place they are elected or appointed would regularly have retired.

Exceptions to the procedures outlined above:

- 1) If a casual vacancy occurs as a result of the death of a Councillor, the production and display of the 'Notice of Vacancy' can be postponed until such time as the Returning Officer/Proper Officer/other Councillors feel it is reasonable (often this will be after the funeral). Whilst there is a legal obligation for the Proper Officer to notify the Returning Officer of a casual vacancy, there is no intention to cause unnecessary distress.
- 2) If a vacancy results in a Parish or Town Council becoming inquorate, or if a vacancy occurs within 6 months of scheduled elections, different rules apply. You will be advised accordingly at the time should either of these circumstances arise.

Documents to be completed by Councillors:

1. All Councillors (whether elected or co-opted) must complete a 'Declaration of Acceptance of Office' form. This form confirms that the Councillor is taking up office, and that they agree to abide by the Council's 'Code of Conduct' (see the form at Appendix 1). A person elected to the office of Chairman or Parish or Town Councillor shall:
 - a. in the case of a Chairman of a Parish or Town Council sign the declaration at the meeting at which they are elected.
 - b. in the case of a Parish or Town Councillor, before or at the first meeting of the council after their election: or
 - c. in either case, if the council at that first meeting allows, before or at a later meeting

The declaration should be made in the presence of a member of the council or its proper officer, which is likely to be the Parish or Town Clerk. Failure to make the declaration or failure to make the declaration at the required time or in the correct manner will mean that the office will become vacant.

2. All Councillors (both elected and co-opted) must complete a 'Register of Interests' form to give details about any property/land they own in the Parish area, any financial interests, and any other bodies that they belong to/carry out work for, in order to reveal any matters that they have an interest in, should the Council be called upon to make a decision in that area (see Appendix 3).

The Proper Officer should provide the forms for the new Councillor to complete. Completed Register of Interests forms should be copied and the copies retained by the Proper Officer. The originals should be sent to the Monitoring Officer, Babergh District Council, Corks Lane, Hadleigh, IP7 6SJ.

Please remember that a Parish/Town Council is a corporate body and as such is subject to a Judicial Review if the correct procedures are not followed.

Telephone the Elections Office on 01473 825713 or email us at electoral@babergh.gov.uk if you are unsure or need clarification on any of the foregoing.

Declaration of Acceptance of Office

I _____

having been elected to the office of * _____
hereby declare that I take that office upon myself, and will duly and faithfully fulfil the
duties of it according to the best of my judgement and ability.

I undertake to observe the code as to the conduct which is expected of members of
the _____ Parish/Town Council

Date _____ Signed _____

This declaration was made and signed before me

(Signed) _____ Member or Proper Officer of the Council

of the Parish of _____

* Insert Chairman/Vice Chairman of the Parish Council or Parish Councillor, as
appropriate.

**This declaration must be completed as soon as possible after the result of the
election of councillors is known, and in any event, before any member attends any
meeting of the Council or performs any duties as a member of the Town or Parish
Council.**

*These should be held by the Parish/Town Clerk and **NOT** sent to the Returning Officer.*

Parish of _____

Casual Vacancy in the Office of Councillor

Notice is hereby given that owing to

a vacancy exists in the office of Parish Councillor for

(the _____ ward of)* the Parish of

An election will be held to fill the vacancy if any ten local government electors for the said ward*/parish submit a written request to the Returning Officer within 14 days (excluding Saturdays, Sundays, Christmas Eve, Christmas Day, Good Friday and Bank Holidays) from the date below. If no such request is made the Parish Council will fill the vacancy by co-option.

Any request for an election to be held to fill the vacancy must be in writing. The address of the Returning Officer, is Electoral Services, Babergh District Council, Corks Lane, Hadleigh, IPSWICH, IP7 6SJ

Dated this _____ day of _____ 20_____

Signed _____

Proper Officer

**Delete if inappropriate*



BABERGH DISTRICT COUNCIL

**REGISTER OF INTERESTS
FOR PARISH COUNCILLORS**

Note: Please complete the boxes below with reference to the guidance provided.

Form Of General Notice

I, *(insert full name)*
of *(insert address)*.....

.....
being a member of Council (“the Council”)

Give written notification that:-

Either

(a) I have no financial or other interests which are required to be declared under the Model Code of Conduct Regulations 2007 applying to the Council. *

Or

(b) I have set out below under the appropriate headings my interests which I am required to declare under The Council’s Code of Conduct; *

I have put “None” where I have no such interests under any heading.

*Delete either of the above statements as applicable

1. I am a Member of or in a position of general control or management in the following:	
(a)	Body to which I was appointed or nominated by the Council:
(b)	Body exercising functions of a public nature:
(c)	A body directed to charitable purposes:
(d)	Body whose principal purposes includes the influence of public opinion or policy (Including any political party or trade union membership):

2. My employment or business carried on by me:

3. The name of any person or body who employs or has appointed me:

4. The name of any person (other than the Council) who has made payment to me in respect of:

(a) Any expenses incurred by me while carrying out my duties:

(b) Any expenses paid for my election as a Councillor:

5. The name of any person/body with a place of business or land in the area of the Council in which I have securities or interests exceeding £25,000 (nominal value) or 1/100th share capital:

6. Description of any contract for goods, services or works between the Council and:-

- (a) Myself;
- (b) A firm in which I am a partner;
- (c) A company in which I am a remunerated director;
- (d) A person or body described in 5 above.

7. The name of any person from whom I have received a gift or hospitality, in my position as a Councillor, with an estimated value of at least £25:

8. The address (or description) of land within the area of the council in which I have a beneficial interest:

9. The address (or description) of land of which the Council is:

- (a) my landlord;
- (b) the landlord of a firm in which I am a Partner;
- (c) the landlord of a Company in which I am a remunerated director;
- (d) the landlord of a person or body described in 5.

10. The address (or description) of land/property for which I have a licence to occupy for 28 days or longer (whether alone or jointly):

I recognise that I must, within 28 days of becoming aware of any change to the interests specified above, provide written notification to the Monitoring Officer and of any new relevant interest that I acquire after the date of this notice.

Signed:

Date:.....

RECEIVED BY THE PROPER OFFICER

Signed:.....

Date:.....

**The Local Authorities (Model Code of Conduct) (England) Order 2007
Guidance Information On Members' Financial and Other Interests**

These notes give general guidance but are not necessarily comprehensive

Question Number and Declaration Matter	Required Information	General Guidance
1(a) Representative of the Council	The name of any body to which you have been appointed or nominated as a representative of the Council	i. You should list the names of any bodies (for example: a Steering Group, Trust etc) to which you have been nominated by the Council.
1(b) Public Nature	The name of any public authority or any body exercising functions of a public nature of which you are a member or have a position of management.	i. You should list the names of any bodies of this type (for instance, other Local Authorities, Police Authority, School Board of Governors, Government Agencies etc...)
1(c) Charitable Services	The name of any company industrial or provident society or charity or body directed to a charitable purpose of which you are a member or have a position of control or management.	i. You should list the names of any companies, industrial or provident societies, charities, co-operative society etc. It is not the intention that you should have to register the name of any building society in which you have investments or from whom you have borrowed money.
1(d) Public Opinion or Policy	The name of any body where principle purposes include the influence of public opinion or policy of which you are a member or have a position of control or management. The name of any Trade Union or professional association of which you are a Member or have a position of control or management.	i. You should list the names of any bodies (for example advertising agencies, lobby or pressure groups, campaigns, trade associations and professional bodies, trade unions and political parties) whose stated aims and objectives include influencing of public opinion or policy.

Question Number and Declaration Matter	Required Information	General Guidance
2. Employment or business carried out by you.	A description of any employment, office, trade, profession or vocation carried on by you.	i. You should show every employment, office, trade, profession or vocation that you have to declare for income tax purposes. Give a short description of the activity concerned: for example, "Computer Operator" or "Accountant" ii.
3. Employer, Partnership, Directorship	The name of the person(s), body or company who employs you.	i. Employees should give the name of their employer. If employed, give the name of the firm or give the name of the company that pays your wages or salary. Give the name of the company where you hold an office, are a partner or a paid director in a company. ii.
4. Payment in connection with election or office as Councillor	The name of any person (other than the Council) who has made payment to you in respect of: a. any expenses incurred by you, the Councillor while carrying out your duties b. any expenses paid for your election as a Councillor	i. You should declare the name of any persons or body that has made any payments to you towards your election expenses. You do not need to declare the amounts of any payments: only the name of the person or body that made them.
5. Interests in Companies and Securities	The name of any person/body where: a. that person/body (to your knowledge) has a place of business or land in the Council's area b. the Councillor has a beneficial interest in the securities of that person/body where the total value for the securities exceeds £25,000 or one	i. You should list the name of any person/body that (to your knowledge) are active in the district of Babergh and in which you have a qualifying interest. You do not need to show the extent of your interest. You have a qualifying interest if you own shares or securities in the company with a nominal value of more than £25,000 or more than 1/100 th of the issues, shares or securities. If there are several classes of shares or securities, the fraction of 1/100 th applies to any of those classes. A company or corporate body is active in a Council's area if it has land or a place or business within the district of Babergh. ii.

Question Number and Declaration Matter	Required Information	General Guidance
	<p>where (to your knowledge):</p> <ul style="list-style-type: none"> a. the landlord is the Council and; b. the tenant is a corporate body of which you are a director or in which the securities of which you have a beneficial interest or is a company or firm in which you are a partner 	
10. Licences	The address or other description of land (sufficient to identify the land) which you have licensed (alone or jointly with others) to occupy for 28 days or longer and which is in the Council's area.	<ul style="list-style-type: none"> i. You should include land in the district of Babergh which you have a right to occupy but neither own nor have a tenancy of. You should give the address or a brief description to identify it. <p>Land refers to land, buildings and parts of buildings</p>

Request for Election

We are ten local government electors for the (_____ ward) of the parish/town of _____.

We request that an election be held to fill the casual vacancy in the office of parish/town councillor caused by the resignation / death / disqualification of _____ as published in the notice dated _____.

	Signature	Name (Block Letters)	Address on Register
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Dated _____

ISSUE OF OFFICIAL POLL CARDS FOR PARISH OR TOWN COUNCIL ELECTION

_____ PARISH/TOWN COUNCIL ELECTION
(_____ WARD)
ON
_____ 20__.

In the event that the above-mentioned election is contested, the Parish/Town Council of _____ requests that official poll cards be issued and understands that the costs will be recharged to the Parish/Town Council.

Signed.....

(Proper Officer/Clerk of the Council)

Dated.....

Notes: (a) Any request for the issue of official poll cards must be made by no later than **noon on the nineteenth working day before the date of the election;**

(b) This form need only be returned if you wish to make a request for poll cards to be issued, in which case please return it to –

THE ELECTIONS OFFICE
BABERGH DISTRICT COUNCIL
CORKS LANE
HADLEIGH
IPSWICH
IP7 6SJ