

Amber Valley Borough Council

Derbyshire County Council Election 4 May 2017

Briefing for Potential Candidates and their Election Agents

Introduction

Derbyshire County Council elections will be held throughout the Amber Valley Borough on Thursday 4 May 2017.

John McElvaney of Derbyshire County Council is the Returning Officer for this election. Sylvia Delahay, Executive Director (Resources) at Amber Valley Borough Council, has been appointed Deputy Returning Officer and is responsible for the overall conduct of the election in Amber Valley.

The Electoral Commission has published comprehensive guides for Candidates and Agents which are available to download from their website:

www.electoralcommission.org.uk

These cover the following subjects:

- Part 1 – Can you stand for election?
- Part 2a – Standing as an Independent Candidate
- Part 2b – Standing as a Party Candidate
- Part 3 – Spending and Donations
- Part 4 – The Campaign
- Part 5 – Your right to attend key electoral events
- Part 6 – After the declaration of the result

Copies of Parts 1, 2a, 2b, 3 and Part 4 are available tonight. Candidates who do not have access to the Internet can request copies of any of these guidance booklets from the Election Office.

Copies are also available tonight of a Code of Conduct for Campaigners: postal voting, proxy voting and polling stations which has been published by the Electoral Commission. This Code has been agreed by the political parties represented on the House of Commons Parliamentary Parties Panel. It sets out a guide for campaigners, electoral administrators and Police forces to what is, and is not, considered acceptable behaviour at polling stations and in the community during the lead-up to polling day. Derbyshire County Council Election Information Packs, produced by the Deputy Returning Officer, are available tonight which contain local information, such as:-

- contact details during the election period;
- the dates when poll cards will be delivered;
- where and when you can collect or deliver your nomination papers;
- the venue of the verification and count;
- election turnout for the last County Council election;
- election timetable;
- the County Divisions and their current electorate figure;
- plan showing the County Divisions in Amber Valley;

Election Timetable

A full timetable for the election period is enclosed in the Information Pack.

Important deadlines to note are:-

- **Receipt of Nomination Papers** and Consents to Nomination – not later than 4pm on **Tuesday 4 April 2017**.
- Last time for the delivery of Withdrawal of Candidature – not later than **4pm on Tuesday 4 April 2017**.
- **Postal Votes** – Closing date for the receipt of new applications or to change the details of a current registration to vote by post – **Tuesday 18 April 2017 at 5pm**
- **Elector Registrations** – additions/deletions and amendments to the Register of Electors – **Thursday 13 April 2013 at 5pm**
- **Proxy Votes** – Closing date for the receipt of new applications – **Tuesday 25 April 2017 at 5pm**
- **Proxy Votes** - on the grounds of a medical emergency - **from 5pm on 25 April until 5pm on Polling Day**

Qualification for Election

To qualify as a Candidate for election to Derbyshire County Council, you must satisfy the following criteria on the day that you are nominated and on polling day:-

- be at least 18 years old; and
- be a British citizen, a citizen of the Republic of Ireland, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union.

In addition, you must also meet **at least one** of the following four qualifications:

- be registered as a local government elector in the County;
- have occupied as owner or tenant any land or other premises in the County during the whole 12 months before the day on which you are nominated;
- your main or only place of work during the last 12 months has been in the County;
- you have lived in the County during the whole of the last 12 months.

Please Note:

The full range of disqualifications of candidates at Local Government elections is complex, and some exceptions may also apply. You are strongly advised to consult the relevant legislation to ensure that none of the relevant disqualifications apply and, if in doubt, refer to the Guidance for Candidates and Agents issued by the Electoral Commission or seek your own legal advice.

Nominations

Nomination papers are available tonight or by contacting the Election Office at the Town Hall, Ripley (contact details are included in the Information Booklet). In addition, they may be downloaded from the Electoral Commission website:
www.electoralcommission.org.uk

Your completed nomination paper must be returned during the period 10am on Tuesday 28 March 2017 until 4pm on Tuesday 4 April 2017.

It must be delivered to the Election Office at the Town Hall, Market Place, Ripley, Derbyshire DE5 3BT by reporting in the first instance to Main Reception which is located under the bridge at the Town Hall, Ripley. Nomination papers will not be accepted at the Town Centre Office located on the Market Place in the old Town Hall.

Office opening hours are given in the Information Pack.

Early submission of your nomination paper will give you sufficient time to fill in and submit a new set of forms if you have made a mistake that has invalidated your nomination.

We offer an **informal check** of your nomination paper which can be arranged by telephoning the Election Office for an appointment (01773 841634). However, it should be noted that the Deputy Returning Officer and her staff cannot be held responsible if they fail to identify an error or omission during the informal check - **it remains your responsibility to ensure that the nomination paper is correctly completed and that it is submitted before the deadline.**

Your nomination paper must contain your full name and home address – abbreviations should not be used.

You will need 10 people to subscribe your nomination paper. Such people must be included in the register of Local Government electors for the County Division in which you are standing for election on 27 March 2017.

An elector may only subscribe as many nomination papers as there are vacancies in the Division – in this case there is one vacancy in each Division, with the exception of the Alfreton and Somercotes Division where there are two vacancies.

If you choose to use a 'Commonly Used Name' on your nomination paper, please be aware that this is the name that will appear on the Statement of Persons Nominated and on the Ballot Papers.

If you wish to use the name of a Political Party under the heading 'Description' on the nomination paper, you must ensure that this corresponds exactly with the description registered by the party with the Electoral Commission or the registered name of the Political Party. You will also need to provide a certificate authorising you to use the description, signed by the Party's Nominating Officer (or a person appointed by them to act on their behalf).

If you are standing on behalf of a Political Party and wish to have a registered party emblem printed on the ballot paper next to your name, you must also sign and submit an emblem request form before the close of nominations.

Where a candidate is nominated by more than one party, they may use the registered joint descriptions but this must be supported by a certificate of authorisation from each party. The emblem of one of the parties may be used – there are no joint emblems.

In order for your nomination as a Candidate to be valid, you must also formally consent to your nomination in writing. You must submit your completed form (Candidate's Consent to Nomination) with your other nomination papers before the deadline of 4pm on Tuesday 4 April.

Upon receipt of a valid nomination paper, the Deputy Returning Officer will issue a Notice of Validity to the Candidate.

The Statement of Persons Nominated must be published by 4pm on Wednesday 5 April 2017.

Disabled Candidates – The Government, in partnership with the disability sector and main parties, has established the Access to Elected Office

Appointment of Agents

Every Candidate must have an **Election Agent**, although you can act as your own Agent if you wish. The Agent is responsible for the proper management of your election campaign, particularly its financial management. Details of the Election Agent must be delivered to the Deputy Returning Officer by 4pm on Tuesday, 4 April 2017. An appointment form is included in the nomination packs.

A Candidate may appoint up to 4 **Polling Agents** to attend at polling stations for the purpose of detecting personation, although only one Polling Agent for a particular Candidate can be present in a particular polling station at any given time.

The number of **Counting Agents** that a Candidate may appoint is subject to a limit set by the Deputy Returning Officer and depends upon the number of counting assistants and the number of Candidates – details will be provided at the Second Briefing.

A Candidate and their Election Agent – or a person appointed by the Candidate to attend in the Election Agent's place – are entitled to attend the opening of returned postal votes. The appointment of a **Postal Voting Agent** to attend a particular opening session must be made in writing to the Deputy Returning Officer before the start of the session.

Notices of appointment for both Polling and Counting Agents must be given in writing to the Deputy Returning Officer by not later than 5pm on Thursday 27 April 2017. **No late applications will be accepted.**

The Election Campaign

Once the Notice of Election has been published and you have declared yourself as a Candidate, you are entitled to a free copy of the full electoral register for the Division in which you are standing. Your request must be made in writing and a form for this purpose will be provided with your nomination pack, or is available from the Election Office. The form also sets out the strict legal restrictions that apply to the use of the information contained in the electoral register.

There is no provision in law for Candidates at a Local Government Election to receive free postage for election communications. Candidates must meet their own postage costs and include this in their election expenses return.

Please note that all printed election material must carry an imprint with details of the name and postal address of the printer and promoter of the material. You should also put an imprint on electronic material, such as websites and emails to include the name and address of the promoter and the organisation on whose behalf it has been produced. Details relating to printing requirements (including examples) are included in the Electoral Commission's Guide – Part 4 The Campaign.

Candidates who are current Members of the Borough Council must use their Council email address in connection with their role as a Borough Councillor only. It must not be included in any party political documents during the pre-election period ie: the period between the date on which the notice of election is given and the day of the poll (27 March 2017 – 4 May 2017)

Please also note that the content of any election material published by Candidates is not a matter for the Deputy Returning Officer. Any complaints regarding such material should be made to the Electoral Commission or the Police.

You must comply with planning rules relating to advertising hoardings and large banners.

Please note that Derbyshire County Council exercises a tight control regarding the display of advertisements on Council property (eg lamp

posts). **These are not permitted.** Candidates who do display advertisements on lamp posts and street furniture will be asked to remove them at their expense. Additional guidance can be obtained from the Derbyshire County Council Returning Officer.

Please make sure that any outdoor posters are removed two weeks after the election.

Expenses

The Representation of the People Act 1983 imposes limits on Candidates' spending and the Electoral Commission is required to monitor the compliance of Candidates and Agents with rules on candidates' election expenses and donations to Candidates.

Guidance on election spending is available on the Electoral Commission's website and is also included in Part 3 of its Guidance for Candidates and Agents – Spending and Donations.

The limit on the amount of expenses is £740 plus 6p per Local Government elector in the County Division, based upon the electorate of the County Division at the date of the publication of the Notice of Election. Up to date electorate figures will be sent to all Candidates and Agents following the close of nominations.

The role of the Deputy Returning Officer is to collate Candidates' completed Election Expenses Returns by the deadline of Friday, 23 June 2017 and to forward them to the Electoral Commission.

It is the responsibility of Candidates and their Agents to ensure that the Expenses Returns are properly completed and submitted by the deadline.

General Points

Polling Stations:

Polling Stations will be open from 7am until 10pm. 98 Polling Stations will be used in the nine County Divisions of the Borough. Details of these will be provided to Election Agents following the close of nominations.

There are two new polling stations for this election:

Alfreton & Somercotes Division:

Polling District AES (Alfreton West) - moved from Alfreton Community Hall to Christ the King RC Church Hall, Nottingham Road, Alfreton

Greater Heanor

Polling District LME (Aldercar & Langley Mill) – moved from Asda Superstore, Station Road, Langley Mill to The Bridge Centre Function Room, Cromford Road, Langley Mill

Absent Voting:

The Council has adopted a Code of Practice for political parties, Agents and Candidates on handling applications for postal votes. A copy of this document will be circulated to all Candidates following the close of nominations.

All postal vote opening sessions will be held in the Election Department at the Council Offices, Town Hall, Ripley. Details of the date and time of all postal voting opening sessions will be sent to Candidates/Election Agents following the close of nominations.

Secrecy Requirements:

The requirements in Section 66 of the Representation of the People Act 1983 help to maintain the secrecy of the ballot. They apply to all Candidates, Election Agents, Polling Agents, Counting Agents and to every person attending at the polling stations, the opening of postal ballot papers and the count.

Code of Recommended Practice on Local Authority Publicity – Restrictions During the Election Period:

Local Authorities are required to have particular regard to legislation governing publicity during the period of heightened sensitivity before

elections, i.e. 27 March to 4 May 2017. Existing members of local authorities should note the key points set out in paragraphs 33-35 of the Code, which are attached at Appendix A.

The Assistant Director of Legal and Democratic Services has written to all Members of the Council and Parish Clerks about this matter.

Election Webpage:

A webpage for this election has been established on the Amber Valley Borough Council website. It includes information about the forthcoming election, links to other sites (including the Derbyshire County Council election webpage) and links to electoral registration and absent voting forms.

<http://www.ambervalley.gov.uk/elections>

Briefing for Candidates and Agents:

A further Briefing will be held on Thursday 20 April 2017 when matters specific to Polling Day and the Count will be covered.

The Briefing will be held in the Training Room at the Town Hall at 6.15pm.

Please contact the Election Office to book a place at the Briefing.

Appendix A

**Relevant extract from the
CODE OF RECOMMENDED PRACTICE
ON LOCAL AUTHORITY PUBLICITY
Care during periods of heightened sensitivity**

33. Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums (see paragraphs 7 to 9 of the code). It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during this period to avoid breaching any legal restrictions.

34. During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.

35. In general, local authorities should not issue any publicity which seeks to influence voters. However this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support or oppose a question put at a referendum. It is acceptable to publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject of the vote.

(The full Code can be viewed
at:<https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>)