

## PARISH COUNCIL NOMINATION PACK

**The following papers must be delivered by hand:**

1a: Nomination paper

1b: Home address form

1c: Candidate's consent to nomination

The notice of election published by the Returning Officer will specify the times at which nomination papers must be delivered to the Returning Officer, Somerset West and Taunton Council at West Somerset House, Killick Way, Williton TA4 4QA

Ensure that where signatures are required, you submit the **original signed version**. Documents without original signatures cannot be accepted.

## **Privacy Statement**

We will only use the information you give us for electoral purposes. We will look after personal information securely and we will follow the Data Protection legislation. We will not give personal information about you or any personal information you may provide on other people to anyone else or another organisation unless we have to by law.

The lawful basis to collect the information in this form is that it is necessary for the performance of a task carried out in the public interest and exercise of official authority as vested in the Electoral Registration Officer as set out in Representation of the People Act 1983 and associated regulations.

Some of the information that is collected in this form is classified as special category personal data. This is processed for reason of substantial public interest as set out in Representation of the People Act 1983 and associated regulations. To process this type of information the Data Controller must have a relevant policy document that sets out how this information will be handled.

The Electoral Registration Officer is the Data Controller: Electoral Services, West Somerset House, Killick Way, Williton, TA4 4QA. Tel. 01823 358692

You should refer to the Privacy Notice at [www.somersetwestandtaunton.gov.uk](http://www.somersetwestandtaunton.gov.uk) for further information relating to the processing of personal data.

## **General Data Protection Regulation (GDPR) – Candidate Requirements**

Data protection legislation applies to the processing of all personal data. Please contact the [Information Commissioner's Office](#) for further information about how the legislation affects you.

When collecting subscriber information, you should point out what the information will be used for, how personal data will be processed and kept secure. The lawful basis to collect the information in this form is that it is necessary for the performance of a task carried out in the public interest and exercise of official authority as set out in Representation of the People Act 1983 and associated regulations.

You should also explain that the information will be shared with the Returning Officer. For further information on data protection and data processing you should refer to the Returning Officer's privacy notice on the Somerset West and Taunton Council website.

## Somerset West and Taunton Council

ELECTION OF COUNCILLORS for the	
Parish of	Porlock
Date of election:	23 February 2023
Candidate name	
Telephone no	
email	

In the event of my being elected as a Councillor at the Porlock Parish Council election on 23 February 2023, I hereby authorise the Returning Officer to notify my contact details, including my address, to the Proper Officer of Porlock Parish Council.

Signed \_\_\_\_\_  
A candidate at the election



<b>1a – Nomination paper</b>		Office use only			
<b>Parish election in England</b>		Date received	Time received	Initials	No
ELECTION OF PARISH COUNCILLORS for the					
Parish of	PORLOCK				
Date of election:	23 FEBRUARY 2023				

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

<b>Candidate's Details</b>	
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	

	Signature	Print name	Electoral number	
			Polling District	Elector Number
Proposer				
Secunder				

## 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 (as amended).
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 may
  - (a) be likely to mislead or confuse electors, or
  - (b) that the commonly used name 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 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.

<b>1b – Home address form</b>		Office use only			
<b>Parish elections in England</b>		Date received	Time received	Initials	No
ELECTION OF PARISH COUNCILLORS for the					
Parish of		PORLOCK			
Date of election:	23 FEBRUARY 2023				

You must complete Part 1

Only complete Part 2 if you do not wish your home address to be made public

<b>Part 1: To be completed by all candidates in England</b>	
Full name of candidate	
Home address (in full)	
Qualifying address: Add your qualifying address, or qualifying addresses (in full) to each of the relevant qualifications below (you can complete more than one qualification).	
Qualifications that apply	Address
(a) I am registered as a local government elector for the area of the parish named above	
(b) I have, during the whole of the preceding 12 months occupied as owner or tenant land or other premises in the parish named above	
(c) my principal or only place of work during the preceding 12 months has been in the parish named above	
(d) I have during the whole of the preceding 12 months resided in the parish named above or within 4.8 kilometres of it.	
Full name of the person who will witness the candidate's consent to nomination form	
Full home address of the person who will witness the candidate's consent to nomination form	

<b>Part 2: To be completed only if you do not wish your home address to be made public.</b>	
<b>Note: Please submit this part (part 2) of the home address form with your nomination papers, even if your home address is to be made public.</b>	
If you request that your home address is not made public then your address will not appear on the statement of persons nominated, notice of poll or the ballot paper. Instead the name of the relevant area in which your home address is situated (or country, if outside the UK), as explained below, will appear on the statement of persons nominated, notice of poll and the ballot papers.	
Statement: I require my home address not to be made public	
The relevant area my home address is situated in:	(insert name of relevant area) <sup>1</sup>
OR	
My home address is situated outside the UK. My home address is situated in:	(insert name of country)
Signature of candidate (only required where Part 2 above has been completed)	
Candidate's signature:	
Date:	

Deliver both Parts 1 and 2 with the nomination form to the Returning Officer by no later than **4pm** on the last day to deliver nominations

<sup>1</sup> the name of the "relevant area" in which your home address is situated (if your home address is in the UK)

- **For home addresses in England:**
  - if the address is within a district for which there is a district council, that district;
  - if the address is within a county in which there are no districts with councils, that county;
  - if the address is within a London borough, that London borough;
  - if the address is within the City of London (including the Inner and Middle Temples), the City of London; and
  - if the address is within the Isles of Scilly, the Isles of Scilly
- **For home addresses in Wales:**
  - if the address is within a county, that county;
  - if the address is within a county borough, that county borough
- **For home addresses in Scotland:**
  - the local government area in which the address is situated
- **For home addresses in Northern Ireland:**
  - the local government district in which the address is situated

Note: The relevant area should be given in the format described above and is not the ward or parish, nor should the local authority name be given in full



1c – Candidate’s consent to nomination		Office use only			
Parish elections in England		Date received	Time received	Initials	No
*You must declare that you meet at least one of the listed qualification(s) below. To do this, strike through any that do not apply. Any qualification(s) that apply must match the information given on your home address form.					
Date of election:		23 FEBRUARY 2023			
I (name in full):					
hereby consent to my nomination as a candidate for election as councillor for the:				* ward [if applicable]	
of the *parish of:					
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 a 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; or					
*b. I have, during the whole of the 12 months preceding that day or those days occupied as owner or tenant land or other premises in the parish named above; or					
*c. my principal or only place of work during those 12 months has been in the parish named above; or					
*d. I have during the whole of those 12 months resided in that parish named above or within 4.8 kilometres of it.					
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 34 of the Localism Act 2011 (copies of which are printed overleaf).					
Date of birth:		Signature:		Date of consent:	
Witness: I confirm the above-mentioned candidate signed the declaration in my presence.					
Witness (name in full):					
Witness’s signature:					

**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

### **Localism Act 2011**

*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 ”

