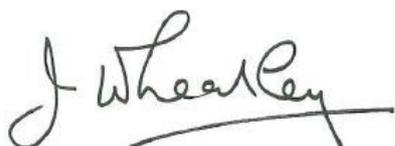


## Bolehall Ward By-election - Thursday 12 October 2017

1. **Returning Officer's Letter – “Information for Candidates”**
2. **Pre-election Period Letter**
3. **Election Timetable**
4. **Requirement of Secrecy**
5. **Guidance for Candidates and Agents:**
  - Overview Document
  - 1) Can you stand for Election
  - 2a) Standing as an independent candidate
  - 2b) Standing as a party candidate
  - 3) Spending and Donations (*expense forms are included at the end of this section*)
  - 4) The Campaign
  - 5) Your right to attend key electoral events
  - 6) After the declaration of results
6. **Election Poster and Street Lighting**
7. **Tamworth Polling Stations by Ward**
8. **Nomination Pack**
  - Candidate Checklist
  - Nomination Paper
  - Consent to Nomination
  - Appointment of an Election Agent form
  - Political Party Certificate of Authority and Emblem Request form
  - Election Timetable
  - Section 80 Local Government Act 1972
  - Declaration of Secrecy
  - Notice of Withdrawal
  - Notice of Appointment of Polling Agents
  - Notice of Appointment of Counting Agents
  - Notice of Appointment of Agents to attend the Opening of Postal Voters' Ballot Box
  - Notice of Spouse/Partner of candidate to attend the Count
  - Register Request Form



John Wheatley  
**Returning Officer**



**Tamworth Borough Council**  
**Bolehall Ward By-election – Thursday 12 October 2017**

**Information for Candidates**

**1. Introduction**

This pack is prepared for candidates and agents containing documentation and information relating to the Bolehall Ward By-election taking place within the Borough of Tamworth. Whilst my colleagues and I will be as helpful as possible, it is the duty of the Returning Officer to conduct the election within the Borough in accordance with appropriate law, rules and regulations. You need to be aware that it is your responsibility to comply with the law, rules and regulations at all times.

**2. Electoral Services**

All communications should be sent or delivered to:

The Returning Officer  
Tamworth Borough Council  
Marmion house  
Lichfield Street  
Tamworth  
Staffordshire  
B79 9BZ

Telephone: 01827 709262/264

Email: [elections@tamworth.gov.uk](mailto:elections@tamworth.gov.uk)

General queries regarding the election process and the Register of Electors should be made to this office.

Specific queries regarding the nomination process should be directed to:

Jane Hackett (Solicitor & Monitoring Officer)  
Telephone: 01827 709258 (direct line)  
Email: [jane-hackett@tamworth.gov.uk](mailto:jane-hackett@tamworth.gov.uk)

or

Bernie Flanagan (Senior Elections Officer)  
Telephone: 01827 709263  
Email: [bernadette-flanagan@tamworth.gov.uk](mailto:bernadette-flanagan@tamworth.gov.uk)

**3. Enclosures** (see Index attached to this document)

**Timetable**

A copy of the timetable is enclosed and particular attention is drawn to the times and dates it contains. These will be adhered to absolutely.

## **Nomination Papers/Candidate's Consent to Nomination/Registration of Political Parties**

This should be completed in accordance with the notes contained in it. If you make an error during completion it is in order to make an amendment and initial it. Amendments should **not** however be made to the candidate's details once the paper has been subscribed. The paper should be completed with reference to the notes contained on it. Please pay particular attention to the recent legislation on commonly used names as detailed in the notes and also in the guidance from the Electoral Commission.

I will only accept the original completed paper. Facsimile transmission or a photocopy of the paper will **not** be accepted.

The candidate's consent to nomination is printed on the reverse of the nomination paper. This **must** be completed at the same time as the nomination paper. Please note the requirement for your date of birth. Please note that anyone can witness the consent because they are only witnessing a signature. **Also, if you qualify for more than one criterion you are advised to complete those sections as well.**

## **Appointment of Election Agent**

This part of the form should be completed and be delivered at the same time as the nomination paper. Any candidate **not** completing this section (and delivering) will be deemed to be their own Agent.

Your attention is drawn to this section and a reminder on the Registration of Political Parties Act 1998, as amended by the Political Parties, Elections and Referendums Act 2000, on the use of description and a registered party emblem. You are advised to consult any local political party you may be a member of.

## **Requirement for Secrecy – Extract from Section 66 of the Representation of the People Act 1983, as amended**

A copy of the above is enclosed. People who work on behalf of a candidate at election time and those who accompany or represent the candidate at a polling station or count need to be aware of requirement for secrecy as set out in this extract. **Please photocopy as necessary.**

## **Register of Electors**

As a candidate you are entitled to one free copy of the current electoral register for the ward you are standing in. A copy of which can be supplied upon written request. The register is the one in force from 1 December 2016, as updated for 1 September 2017. However, under new regulations the deadline for registering in time for this election is not until Tuesday 26 September 2017. Any rolling registration applications received up to this deadline will be included in the register for the polling station.

## **Candidate's Guide**

A copy of the Electoral Commissions, "Guidance for Candidates & Agents" accompanies this pack giving further details of all aspects of the election.

### **Display of Election Posters – Codes of Practice**

The Code of Practice is enclosed in regard to where elections posters can legally be displayed. Also enclosed is the County Council's letter about **NOT** displaying any election material in or on the public highway, including street furniture such as lamp posts. **Please ensure that all your helpers associated with the election observe these rules.**

### **Role of Electors**

Please refer to the note about tellers at polling stations and guidance within the Electoral Commission's Guide.

### **Method of Election**

If the number of valid nominations received exceeds the number of seats vacant, election will be by polling on Thursday 12 October 2017.

If the number of valid nominations is equal to the number of seats vacant, then all who are validly nominated will be elected unopposed.

**The remainder of these notes deal with election by polling.**

### **Poll Cards**

When wards are contested the issue of poll cards is mandatory. Poll cards will be issued before postal/proxy vote deadlines, reminding the public of these dates. Cards will be distributed by post week commencing Monday 11 September.

### **Postal Voting**

Please note that the Electoral Registration Officer has to capture personal identifiers i.e. signature and date of birth in a standard format for all postal voters. Consequently, you are advised to pass all requests for postal votes to the Elections Office for us to print off a personalised application form in the desired format to then post directly to the elector.

All postal voters will be sent at the same time a postal poll card. It is a legal requirement to send this postal poll card which reminds the elector of this facility, the proposed date, the ballot papers being sent and how to cancel their postal vote if they wish to do so.

### **Polling Stations**

I enclose a list of the 5 polling stations we have booked for this election.

## **4. Delivery of Nomination Papers**

The earliest date for delivery is **Friday 8 September**. The papers should be delivered by hand to the address shown on the front page of this letter in accordance with the timetable and before the last time for delivery i.e. **4pm on Friday 15 September**. This is an absolute deadline, and any papers received after this, even by a few minutes will be invalid.

A check of nomination paper details will be carried out immediately prior to formal submission and this will take place whilst you wait. It is advised that an appointment is arranged in order to complete this process. A formal confirmation of validity letter will follow to the candidate.

It is in your own interests to submit your paper as early as possible in order to safeguard your nomination in the event that errors are discovered on your paper at the informal checking stage.

**All nomination papers must be delivered by hand.**

The Statement of Persons Nominated for Ward will be published as soon as possible following the close of nominations. These will be displayed at the Council Offices and be posted along with other articles on the Council's website [www.tamworth.gov.uk/elections-2017](http://www.tamworth.gov.uk/elections-2017)

**5. Inspection of Nomination Papers**

Nomination papers will be available for inspection at the Electoral Services Office following the last day for delivery of nominations until the day before polling day.

**6. Withdrawal of Candidature**

If, following the publication of the Statement of Persons Nominated, you wish to withdraw your candidature a Notice is enclosed for completion in such circumstances. Please note that the deadline is **4pm on Friday 15 September 2017**.

**7. Count Centre**

The count will take place in The Training Room, Tamworth Borough Council from 2pm on Friday 13 October. Tickets will be issued for attendance at the count for those duly appointed or legally entitled to be present. Tickets will be available from the office or on request can be posted to the candidate or their election agent to distribute from Thursday 5 October. We shall only issue tickets to any names that have been formally notified to us, notably we shall not automatically be issuing these to any spouse/partner unless you tell us who they are using the official form.

**8. Contested Election Provisions**

**Postal Ballot Papers – Issue**

For your information postal ballot papers will be issued from Friday 29 September 2017. Please note that under current legislation only the Returning Officer and his staff are entitled to attend the issue of postal ballot papers.

**Postal Ballot Paper – Opening**

Formal notice when we shall be opening postal ballot papers in the Council Offices here in Tamworth shall follow. However, the first opening session shall commence on **Wednesday 11 October at 10:00am**. You are legally entitled to attend – please complete and return the appropriate form if you wish to appoint an agent in addition to attending yourself. Please let me know if you are to attend by submitting the appropriate form enclosed.

Each stage will involve a scanning and checking process of the personal identifiers (i.e. signature and date of birth) given on the security statement using our computer system.

Final opening will be from 2:00pm on Friday 13 October 2017 at the count venue and will include any ballot papers returned from the polling staff after 10pm.

Please note – all ballot papers will be kept face down at all times. All sessions will be held in the Training Room at the Council Offices, Tamworth unless otherwise stated. We intend to pre-slit the outer envelope prior to opening.

## Provisional Dates & Times for the Opening of Postal Votes

<i>Date</i>	<i>Time</i>
Wednesday 11 October	10am to 1pm
Friday 13 October	From 2pm at the Count venue

**Please note that these dates are provisional. However, we shall post the confirmed dates and times on the internet. Agents are requested to contact the Elections Office to confirm whether opening sessions they wish to attend are going ahead.**

### **9. Post Election Procedures**

#### **Acceptance of Office**

Successful candidates are required to positively accept the office of councillor by making a declaration of acceptance of office. An appointment has been arranged for immediately after the conclusion of the Count process in order to undertake this declaration and complete all other relevant paperwork.

#### **Candidate Expense Returns**

Candidate Expense Returns should be completed and submitted within 35 days of the declaration of result. Facsimiles/scanned copies are not acceptable. The completed forms should be sent to:

Bernie Flanagan  
Senior Elections Officer  
Tamworth Borough Council  
Marmion House  
Lichfield Street  
Tamworth  
Staffordshire  
B79 7BZ



John Wheatley  
**Returning Officer**



**Ref:** Pre-election Period Letter 2017  
**Ask for:** Jane Hackett  
**Telephone:** (01827) 709258  
**Email:** Jane-hackett@tamworth.gov.uk

Marmion House  
Lichfield Street  
Tamworth  
Staffordshire  
B79 7BZ

Tel: 01827 709709

Thursday 7 September 2017

## **PRE-ELECTION PERIOD**

Dear Members & Colleagues,

As you are aware there is a local election taking place on Thursday 12 October 2017. The pre-election period (Purdah) for the election commences on today, Thursday 7 September 2017 and concludes on Thursday 12 October 2017 (polling day).

The relevant provisions of the Local Government Act 1986 and the general guidance contained in the Borough Council's Member/Officer Relations Protocol and Pre-Election Protocol must be observed.

Members and Officers must ensure that they:-

- i) avoid – or do not give the impression of – breaching any such guidance, as to do so could have electoral and reputational implications for any member standing for election (or re-election) and the Borough Council: and
- ii) if at all possible, improve the Council's standing and reputation in terms of electoral matters.

The key guiding principle remains: if anyone is unsure, members or officers should seek early advice.

The Local Government Act 1986 imposes:-

- (a) a prohibition on local authority publishing "any material which, in whole or in part, appears to be designed to affect public support for a political party"; and
- (b) a Code of Practice (issued by the Secretary of State under the Act and currently the subject of a national consultation) to which local authorities must have regard to in coming to any decision on publicity.

"Publicity" is defined by the 1986 Act as being "any communication, in whatever form, addressed to the public at large or to a section of the public".

This means, for example, that anyone who has a Twitter account should only use it for factual purposes and are discouraged from re-tweeting Councillors tweets. The same principles apply for content on Facebook.

In determining whether any material contravenes the prohibition mentioned in (a) above, the Act provides that regard shall be had to a number of matters including “the time and other circumstances of publication”. It is possible: therefore, that material published by the Borough Council could fall foul of the prohibition to be unlawful – especially on account of its timing (i.e. in the run up to an election).

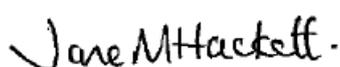
What is also clear and paramount from case law, is that no elected member – whether a Member of the Executive, Chair of a Committee or any other member – or Officer will be permitted to use any Council resources for private or party political purposes. To do so would be a breach of the Act and the Code of Conduct for Members. A reference to Audit and Governance Committee will be made if there is sufficient evidence of a breach of the Code or of the Member/Officer Relations Protocol.

In terms of Officers, appropriate disciplinary action will be taken if there is sufficient evidence of a breach of the law or the Constitutional arrangements of the Council – for example, Standing Orders, Financial Regulations, Access to Information Procedure Rules, Scheme of Delegation to Officers and the Member/Officer Relations Protocol.

It is recognised that Council business has, of course, to continue and must continue during an election period. Publicity around normal Council business/events must also continue, but it must be thoroughly thought through so as to ensure the Council ‘machinery’ is not used or allowed to be used/manipulated by anyone for private or party political purposes. If in doubt, please seek assistance.

It is also worth noting, for the avoidance of doubt, that Councillors who hold positions of special responsibility within the Council (i.e. Cabinet Members and Committee Chairs), and who would normally be expected to make some public comment (on the Council’s behalf and with the use of Council resources) on “issues of the day”, will be permitted to do so. However, such occasions should sensibly be kept to a minimum during the pre-election period.

Particularly sensitive or controversial matters will, therefore, need careful handling around any election period as they may have an impact on public opinion, for or against any candidate or Political Party. The Chief Executive, as Head of Paid Service, and/or I, as Monitoring Officer, will certainly have to be consulted over such matters and may, in appropriate cases, have to intervene. Hopefully, if prior consultation has taken place – i.e. well in advance of any such Council business/events – such interventions should be kept to an absolute minimum and/or avoided all together. More information can be found by following the link below to the Department of Communities and Local Government circular on the Code of Recommended Practice on Local Authority Publicity ([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5670/1878324.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5670/1878324.pdf)). I thank you for your co-operation in this regard.



Jane Marie Hackett  
Solicitor to the Council and Monitoring Officer

# Tamworth Borough Council Bolehall By-election Timetable of Proceedings

<b>Event</b>	<b>Time</b>	<b>Day</b>
Notice of election		Thursday 7 September
Last day for delivery of nomination papers	<b>4:00 PM</b>	Friday 15 September
Statement of persons nominated	<b>4:00 PM</b>	Monday 18 September
Last day for withdrawals of candidature	<b>4:00 PM</b>	Friday 15 September
Last day for notice of appointment of election agents	<b>4:00 PM</b>	Friday 15 September
Last day for new applications to vote by post or to change existing absent vote details (e.g. cancellation, redirection of ballot papers, etc.)	<b>5:00 PM</b>	Wednesday 27 September
Notice of poll		Wednesday 4 October
Last day for new applications to vote by proxy	<b>5:00 PM</b>	Wednesday 4 October
Last day for notice of appointment of counting agents (and polling agents)		Thursday 5 October
Last day to issue replacement spoilt or lost postal ballot papers		
Last day for new applications to vote by proxy on grounds of medical emergency	<b>5:00 PM</b>	Thursday 12 October
<b>Polling day</b>	<b>7:00 AM to 10:00 PM</b>	<b>Thursday 12 October</b>
Last day for the receipt of return of election expenses if declaration of result was <i>before</i> midnight on polling day		Thursday 16 November
Last day for the receipt of return of election expenses if declaration of result was <i>after</i> midnight on polling day		Friday 17 November

If no time is specified as the deadline for an event or requirement (eg noon or 5pm), the deadline is **midnight** on that day.



## **REQUIREMENT OF SECRECY**

These provisions concern the maintaining of secrecy of the voting and should be read carefully before you attend at any polling station, the issue or receipt of ballot papers for persons voting by post or at the counting of the votes.

### **Representation of the People Act, 1983 – Section 66, as amended**

- (1) The following persons-
- (a) every Returning Officer and every presiding officer or clerk attending at a polling station,
  - (b) every candidate or election agent or polling agent so attending,
  - (c) every person so attending by virtue of any sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,
- shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to –
- (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
  - (ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
  - (iii) the official mark.
- (2) Every person attending at the counting of votes shall maintain and aid in the maintaining of secrecy of voting and shall not –
- (a) ascertain or attempt to ascertain at the counting of votes the number or other unique identifying mark on the back of any ballot paper;
  - (b) communicate any information obtained at the counting of votes as to the candidate for whom any vote is given on a particular ballot paper.
- (3) No person shall-
- (a) interfere with or attempt to interfere with a voter when recording his vote;
  - (b) otherwise obtain or attempt to obtain in a polling station information as to the referendum answer or the way for which a voter in that station is about to vote or has voted;
  - (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a voter at that station.
  - (d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.
- (4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not –
- (a) except for some purposes authorised by law, communicate, before the poll is closed, to any person any information obtained at these proceedings as to the official mark; or
  - (b) except for some purpose authorised by law, communicate to any person at any time any information obtained at these proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person; or
  - (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper; or
  - (d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given or the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at these proceedings.
- (5) No person having undertaken to assist a voter with disabilities to vote shall communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given for the use of that voter.
- (6) If a person acts in contravention of this section he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.





DX 712320 Stafford 5

Fax No. (01785) 215153

Please ask for: Julie Plant

Telephone: (01785) 276135

e-mail: [Julie.plant@staffordshire.gov.uk](mailto:Julie.plant@staffordshire.gov.uk)

**My Ref:** JT/JP

**Your Ref:**

**Date:** 21 March 2016

Dear Sir or Madam

**Election Posters and Street Lighting**

I'm writing to formally notify you of the County Council's policy on the placing of election posters and material on County Council owned street lighting columns and signs:

As the Highway Authority, the County Council will not tolerate the use of street lighting and street furniture for the erection of election posters. It does not give any permission to any person or body to place election posters, or other election material, on street lighting columns, traffic signs and other street furniture or otherwise place such material within highway limits. Any signs or posters erected without permission are liable to be removed and the Election Agent charged with the cost of removal.

I hope that this clearly explains the County Council's position.

Yours faithfully

John Tradewell

Director of Strategy, Governance and Change



# Polling Stations

	Polling Station Number	Polling District Reference	Polling Station Address
<b>Bolehall</b>	1	BO1	Ankermoor Primary School Rene Road Bolehall Tamworth B77 3NW
	2 & 3	BO2	William McGregor Primary School Glascote Road Tamworth B77 2AF
	4	BO3	Glascote Methodist Church Neville Street Glascote Tamworth B77 2BA
	5	B04	Woodlands Primary School Canning Road Glascote Tamworth B77 3JX