

Date: February 2022
Please ask for: Jill Humphreys
Contact number: 01395 517550
E-mail: jhumphreys@eastdevon.gov.uk
Our Reference: Nomination Pack



East Devon District Council
Blackdown House
Border Road
Honiton
EX14 1EJ

Tel: 01395 516551

www.eastdevon.gov.uk

Dear Sir/Madam

**Election of Town Councillor for Honiton Town Council St Michael's ward
Nomination Paper Pack**

Please find enclosed a Nomination Paper pack as requested. The pack contains the following items:

- Nomination Paper
- Consent to Nomination
- Section 80 Local Government Act 1972
- Section 79 Local Government Act 2000
- Home Address form
- Political Party Certificate of Authority and Emblem Request form
- Declaration of Secrecy
- Guidance for candidates and agents
- Notice of Withdrawal
- Notice of Appointment of Counting Agents

To be a candidate at the above election the nomination paper, consent to nomination and home address form must be delivered to the Returning Officer, Blackdown House, Border Road, Honiton, EX14 1EJ by 4:00 PM on Friday, 11 February 2022.

If you require any further information or assistance, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read "Mark R. Williams".

Mark R. Williams
Returning Officer

Nomination Paper

Office Use Only

| Time delivered | Date delivered | No of Nomination Paper in order of delivery | Initials |
|----------------|----------------|---|----------|
| | | | |

ELECTION OF A TOWN COUNCILLOR

for

Honiton Town Council St Michael's ward

Date of Election: Thursday, 10 March 2022

We the undersigned, being local government electors for the said Parish, do hereby nominate the under-mentioned person as a candidate at the said election.

PLEASE COMPLETE IN CAPITALS (except where a signature is required)

| Candidate's surname | Other forename(s) in full | Commonly used surname (if any) | Commonly used forenames (if any) | Description (if any) use no more than 6 words | Home Address in full |
|---------------------|---------------------------|--------------------------------|----------------------------------|---|----------------------|
| | | | | | |

| | | | | | |
|-------|--|---------------|--|-----------|--|
| Title | | Email Address | | Telephone | |
|-------|--|---------------|--|-----------|--|

| | Signature | Print Name as Signed | Electoral Number | |
|----------|-----------|----------------------|--------------------------|--------|
| | | | Polling District Letters | Number |
| Proposer | | | | |
| Seconded | | | | |

Notes

- The attention of candidates and electors is drawn to the rules for filling up nomination papers and provisions relating to nomination papers contained the election rules in Schedule 2 to the Local Election (Parishes and Communities) Rules 2006.
- Where a candidate is commonly known by some title they may be described by their title as if it were their surname.
- Where a candidate commonly uses a name which 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.
- But the ballot paper will show the other name if the Returning Officer thinks that the use of the commonly used name may
 - be likely to mislead or confuse electors, or
 - that the commonly used name is obscene or offensive.
- An elector may not -
 - subscribe more nomination papers than there are vacancies to be filled in the electoral area in which the election is held; or
 - subscribe a nomination paper for more than one ward in a parish or community divided into wards.
- In this form 'elector' -
 - means a person who is registered in the register of local government electors for the Parish in question on the last day for the publication of notice of election; and
 - 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.
- However, a person who has an anonymous entry in the register of local government electors cannot nominate a candidate for election.

Candidate's Consent to Nomination

(To be given on or within one month before the last day for delivery of nomination papers, and delivered at the place and within the time appointed for delivery of nomination papers)

Election of a Town Councillor

for

Honiton Town Council St Michael's ward

East Devon District Council

Date of Election: Thursday, 10 March 2022

I, *(name in full)*

of *(home address in full)*

hereby consent to my nomination as a candidate for election as a Town Councillor for Honiton Town Council St Michael's ward.

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 Community, who has attained the age of 18 years and that

* (a) I am registered as a local government elector for the administrative area of the in respect of *(qualifying address in full)*

and my electoral number *(see note below)* is _____ ; or

* (b) I have during the whole of the twelve months preceding that day or those days occupied as owner or tenant of the following land or other premises in the Parish *(description and address of land or premises)*

_____ ; or

* (c) my principal or only place of work during those twelve months has been in that Parish at *(give address of place of work and, where appropriate, name of employer)*

_____ ; or

* (d) I have during the whole of those twelve months resided in that Parish or within 4.8 kilometres of it at *(give address in full)*

* *delete whichever is inappropriate, (but you can include all those that apply)*

I declare that to the best of my knowledge and belief I am not disqualified from being elected by reason of any disqualification set out in Section 80 of the Local Government Act 1972, or any decision made under section 79 of the Local Government Act 2000, [copies of which sections are printed overleaf].

Date of Birth: _____

Signature: _____

Date of consent: _____

Signed in my presence

Signature of witness: _____

Name and address of witness (PLEASE PRINT)

- NOTES:
1. A person's electoral number is his number in the register to be used at the election (including the distinctive letters of the parliamentary polling district in which he is registered).
 2. A candidate who is qualified by more than one qualification may complete any of those that may apply.

Local Government Act 1972

Section 80. - Disqualifications for election and holding office as a 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 or deputy chairman 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 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 such office or employment; or
 - (b) is a person who has been adjudged bankrupt, or made a composition or arrangement with his creditors; or
 - (c) ...
 - (d) has within five years before the day of election or since his election has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has 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 or under the Audit Commission Act 1998.
- (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 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 purpose 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 of authority member of the National Park authority.
- (3) Teachers in a school maintained but not established by a local education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school established by the authority.
- (4) ...
- (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, as the case may be.

Words were omitted from subsection (1)(a) by the Local Government and Housing Act 1989 and the words in square brackets in that subsection were inserted by Schedule 10 to the Environment Act 1995; subsection (1)(b) was substituted by the Enterprise Act 2002; the words in square brackets in subsection (1)(c) were inserted by Schedule 3 to the Audit Commission Act 1998 and Schedule 8 to the 1983 Act; subsection (2) was amended by the Local Government Act 1985; subsection (2AA) was inserted by the Greater London Authority Act 1999; subsections (2A) and (2B) were inserted by Schedule 10 to the Environment Act 1995; subsection (4) was repealed by the Transport Act 1985 and the words omitted from subsection (5) were repealed by the Local Government Finance Act 1982.

Section 81. - Exception to provisions of section 80

- (1) ... (2) ... (3) ...
- (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;

Subsections (1) and (2) ceased to have effect from 1 April 2004 under section 267 of the Enterprise Act 2002; subsections (3) and (4)(b) were repealed by the Local Government Act 1985; and the words omitted from subsection (4)(a) were repealed by Schedule 13 to the Education Reform Act 1988.

Local Government Act 2000

Section 79. - Decisions of case tribunals

- (1) A 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 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 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 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 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 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 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 must be suspended or partially suspended by the relevant authority concerned for the period, and in the way, which the tribunal has decided.
- (9) A relevant authority must comply with any notice given to its standards committee under subsection (8).
- (10) Where a 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-
 - (i) to the Standards Board for England, where the relevant authority concerned is in England,
 - (ii) to the Commission for Local Administration in Wales, where the relevant authority concerned is in 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 in the same country (that is to say, England or Wales)-
 - (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 references in subsections (4)(a) and (8)(c) to the relevant authority concerned are to be treated as references 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 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 case tribunal under this section.
- (15) Where a 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.

| | | | | |
|-----------------|------------|------------|----------|-----|
| Office Use only | Date rec'd | Time rec'd | Initials | No. |
| | | | | |

| | | | |
|--|--|---------------------|--|
| Electoral division/ward/ county/district/London borough of *Delete whichever is inappropriate | | Date of election | |
|--|--|---------------------|--|

- You must complete Part 1.
- Only complete Part 2 if you do not wish your home address to be made public.

| Part 1: To be completed by all candidates in England | |
|--|--|
| Full name of candidate | |
| Home address (in full) | |
| Qualifying address, or, where you have declared on your consent to nomination that you meet more than one qualification, your qualifying addresses. You must also state which of the qualifications your qualifying address or addresses relate to (a,b,c and/or d). | |
| Attestor's full name* | |
| Attestor's full home address* | |
| *The person attesting your home address form must be the same person as signs your consent to nomination | |
| End of Part 1 | |

If you are only completing Part 1, please now deliver this form with the nomination paper to the Returning Officer by no later than 4pm on the last day to deliver nominations

| Part 2: To be completed in full only if you do not wish your home address to be made public |
|--|
| If you request that your home address is not made public then your address will not appear on the statement of persons nominated or the ballot paper |
| If you choose not to make your home address public, the name of the relevant area in which your home address is situated (or country, if outside the UK) will appear on the statement of persons nominated and the ballot papers |
| (continued on next page) |

| | |
|---|---|
| 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) ² |
| Or | |
| My home address is situated outside the UK. My home address is situated in: | (insert name of country) |
| Signature of candidate completing Part 2 | |
| Candidate's signature: | |
| Date: | |

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

² 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

**POLITICAL PARTIES, ELECTIONS AND REFERENDUMS ACT
REPRESENTATION OF THE PEOPLE ACTS**

Election of a Town Councillor
for

Honiton Town Council St Michael's ward

Date of Election: Thursday, 10 March 2022

You may **not** use a description which is likely to lead voters to associate you with a political party unless the description is authorised by a certificate issued by or on behalf of the party's registered nominating officer. You may only use an emblem if your description has been so authorised.

Registered Political Party Description - Certificate of Authority

In accordance with the Political Parties, Elections and Referendums Act I hereby certify that

name of candidate

is the official candidate of

name of political party

and may use the following description in their nomination paper

authorised description

at the election in Honiton St Michael's ward on, Thursday 10 March 2022.

Signed _____

registered nominating officer or authorised person

Dated _____

Name _____

(PLEASE PRINT)

Registered Political Party Emblem – Request*

I request that the party's registered emblem (or if there are more than one registered emblem**, specify which one) appear on the ballot paper against my name, described as follows

Description of emblem

Signed _____

candidate

Dated _____

Name _____

(PLEASE PRINT)

Notes

* If this section is not completed a registered emblem of the party will not appear on the ballot paper against your name

** Where there is more than one registered emblem it would be helpful if the emblem requested to appear on the ballot paper is specified by reference to a representation of the emblem that accompanies this certificate.

DECLARATION OF SECRECY ELECTION OF COUNCILLORS

To persons attending at the taking of the poll or the counting of votes at this election

Your attention is drawn to the provisions of Section 66, sub-section (1), (2), (3) and (6) of the Representation of the People Act 1983, which are set out below.

These provisions concern the maintaining of secrecy of the voting and should be read carefully before you attend at any polling station or at the counting of the votes.

REPRESENTATION OF THE PEOPLE ACT, 1983 Section 66, sub-sections (1), (2), (3) and (6)

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; 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 the votes shall maintain and aid in maintaining the secrecy of voting and shall not -
 - (a) ascertain or attempt to ascertain at the counting of the votes the number on the back of any ballot paper;
 - (b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any 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 candidate for whom 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 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.
6. If any 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 imprisonment for a term not exceeding six months.

Guidance for candidates and agents: Town Council elections in England

Guidance can be found on the Electoral Commission website:
www.electoralcommission.org.uk

Notice of Withdrawal of Candidature

ELECTION OF A COUNCILLOR
for
Honiton Town Council St Michael's ward
Date of Election: Thursday, 10 March 2022

I, _____
candidate's name

of _____
candidate's full address

hereby withdraw my candidature from the above election.

Dated _____ **Signed** _____
Candidate

Witnessed by:

Name and address
of witness _____

Dated _____ **Signed** _____
Witness

NOTE

This Notice of Withdrawal should be delivered to the Returning Officer at the place appointed for the delivery of nomination papers by 4:00 PM on Friday, 11 February 2022.

East Devon District Council
Election of Town Councillor for
Honiton Town Council St Michael's ward

Date of Election: Thursday 10 March 2022

Notice of appointment of Counting Agent(s)

I, _____
Name of Candidate

a candidate at the above mentioned election wish to appoint the following people as Counting Agents

| Name of Counting Agent(s) | Elector No. | Address(es) |
|----------------------------|-------------|-------------|
| | | |
| Candidate's Spouse/Partner | Elector No. | |
| | | |

Dated this _____ day of _____ 2022

Signed _____
Candidate

Notes

- This notice must be delivered to Returning Officer, Blackdown House, Border Road, Honiton not later than **Thursday 3 March 2022**.
- *It would be helpful if the elector numbers were added but it is not essential*