



## ROTHERHAM METROPOLITAN BOROUGH COUNCIL

Sharon Kemp  
Returning Officer

Electoral Services  
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Email – [electoral.services@rotherham.gov.uk](mailto:electoral.services@rotherham.gov.uk)  
Website – [www.rotherham.gov.uk/elections](http://www.rotherham.gov.uk/elections)

Direct Line: 01709 823590

Please ask for: Electoral Services

Date: As postmarked

Dear prospective candidate/ agent

### **By-election for a Borough Councillor in Keppel ward on Thursday 26 January 2023**

I am writing to provide you with information about the forthcoming by-election on 26 January 2023, for one seat in Keppel ward.

#### **Nomination Papers**

A set of nomination papers are enclosed with this pack. If you require any further copies, please contact us via [electoral.services@rotherham.gov.uk](mailto:electoral.services@rotherham.gov.uk) or by calling 01709 823590.

Please read the enclosed information and guidance and use the Candidate check list to assist you in preparing your nomination papers.

#### **Guidance for Candidates and Agents**

It is strongly encouraged that all candidates and agents read the Electoral Commission Guidance for Candidates and Agents which is available on their website at <https://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/local-elections-england>

#### **New disqualification criteria**

The Local Government (Disqualification) Act 2022 has introduced an additional disqualification criterion for those wishing to stand for election.

The Legislation updates the disqualification criteria to now disqualify individuals who are subject to relevant notification requirements or orders due to sexual offences from standing for or remaining in office.

The Legislation introduces disqualification based on civil orders, and not just based on criminal convictions.

Its provisions include disqualifying a person who is subject to “any relevant notification requirements” or “a relevant order” (defined at Sections 2 and 3 of the legislation) and depending on the status of the relevant order or notification (to include time periods for appeal), from being elected or being a member of a local authority or the mayor for the area of a combined authority in England.

An individual can become subject to notification requirements by committing certain criminal acts or being issued with certain types of civil orders:

- Being subject to sex offender notification requirements is an automatic consequence of being cautioned or convicted of sexual offences listed in [Schedule 3 of the Sexual Offences Act 2003](#).
- Sexual Harm Prevention Orders are civil orders intended to protect the public from offenders convicted of sexual or violent offences and result in notification requirements.
- Notification Orders are civil orders intended to protect the public in the UK from the risks posed by sex offenders who have been convicted, cautioned, warned or reprimanded for sexual offences committed overseas. Notification Orders result in notification requirements.

More information on this new disqualification is available in Part 1 of the Electoral Commission's Guidance for Candidates.

### **Candidate spending limits**

The spending limit for candidates at borough elections is £806 + 7p per elector. The electorate number for Keppel ward on the nomination register is:

- 10,364 electors – Expense's limit: £1,531.48

Candidate spending is often known as “expenses” and some candidates think this means that that spending can be reclaimed. This is not the case, and you are not entitled to recover any spending from public funds.

### **Submitting Nomination Papers**

The Notice of Election will be published on Monday 19 December 2022.

The law requires nomination papers to be submitted by hand, directly to the (Deputy) Returning Officer or a member of their staff.

Nomination papers must be delivered to the **Electoral Services Office at Bailey House**, Rawmarsh Road, Rotherham S60 1TD on any day after 19 December, Monday to Friday between 10:00 am and 4:00 pm (excluding bank holidays), but **no later than 4 pm on Thursday 29 December 2022**.

Due to the Christmas period, the working days for submitting nominations are:

- Tuesday 20 December
- Wednesday 21 December
- Thursday 22 December
- Friday 23 December
- Wednesday 28 December
- Thursday 29 December

The Electoral Services Office will be staffed on working days during the nomination period.

To help manage the nomination process, we encourage candidates and agents to book an appointment for submitting their nomination papers by contacting Electoral Services by email [electoral.services@rotherham.gov.uk](mailto:electoral.services@rotherham.gov.uk) or call 01709 823590.

We strongly advise the early submission of nomination papers, as submitting them close to the deadline may not leave you with enough time to deal with any issues before close of nominations.

An invalid nomination paper will prevent you from standing for election unless you can submit a completely fresh paper signed by a new proposer and a new seconder before the close of nominations.

When submitting your nomination, you must deliver the following:

- Nomination Paper
- Home Address Form
- Consent to Nomination Form

**And** (for political party candidates):

- Certificate of Authorisation
- Request for use of Party Emblem (if required)

**Note:** If you are appointing an Election Agent, it would be helpful if the form for Appointment of Election Agent could be delivered with the papers mentioned above. If a completed appointment form has not been received by the latest time for withdrawals (as shown in the enclosed timetable) you will be deemed to be your own election agent.

### **Subscribers**

A requirement of the Nomination Paper is to have the signatures of ten registered electors (a proposer, a seconder and eight subscribers) from the Keppel ward, who are eligible to vote in the election. The exception to this is anonymous electors, who **may not** subscribe a nomination paper.

*Please be aware that new legislation reducing the number of subscribers for local government elections does not come into force until the 4 May 2023 and therefore does not apply to this election.*

**If you are using a Description on the ballot paper, this must be completed on the Nomination Form before seeking subscribers.**

The subscribers must be on the local government electoral register that is in force on the 25th working day before the poll – known as the '*Nomination register*'. For this election, the Nomination Register is the one published on 1 December 2022.

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 the nomination 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 and subscribers' names will be published on a public notice.

For further information on data protection and processing you should refer to the Electoral Services Privacy Notice under 'Election notices' section on our website at [www.rotherham.gov.uk/election](http://www.rotherham.gov.uk/election).

### **Informal checks of nomination papers**

We will be offering candidates electronic informal checks of nomination papers. A copy of your nomination paper can be emailed to [electoral.services@rotherham.gov.uk](mailto:electoral.services@rotherham.gov.uk) for an informal check

on a 24-hour turnaround basis. If the candidate is not able to email them, they can request an informal check in person by contacting the Elections Services Team to make an appointment.

Please note, any nomination papers provided for an informal check cannot be classed as submitted, even if they are deemed to have been completed as required.

### **Access to Electoral Registers**

Candidates are entitled to an electoral register and absent voters list for the area they are standing. Registers and absent voters lists will be available once the Notice of Election has been published on 19 December 2022. A register request form is included in this pack, and we would encourage candidates wishing to request a register, to complete and return the form as soon as possible. This will allow us to have registers ready for distribution as soon as the Notice of Election is published.

A form has also been enclosed, should you wish to request the current list of absent voters in the ward you wish to stand in.

Details on access and use of the electoral register and absent voters lists are covered in [Part 4 of the Electoral Commission's guidance for candidates and agents](#).

If you require any further information or assistance, please do not hesitate to contact Electoral Services by email [electoral.services@rotherham.gov.uk](mailto:electoral.services@rotherham.gov.uk) or call 01709 823590.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mike Thomas', with a long, sweeping horizontal line extending to the right.

Mike Thomas AEA (Cert).  
Electoral Services Manager

You must print off the forms in this pack before submitting them

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

1a: Nomination paper

1b: Home address form (part 1 and part 2)

1c: Candidate's consent to nomination (including the pages of legislation)

**The following papers can be delivered by hand or by post:**

2: Certificate of authorisation

3: Request for a party emblem

4: Notification of election agent

The notice of election published by the Returning Officer will specify the times and exact location to which nomination papers **must** be delivered.

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

### **General Data Protection Regulation (GDPR)**

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, and how personal data will be processed and kept secure. The lawful basis to collect the information in these forms 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 the 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 their website.

CL	Local government election in England	Candidate checklist
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This checklist is designed to assist candidates standing in a principal area local government election<sup>1</sup> in England in preparing to submit their nomination, and should be read alongside the Electoral Commission's [Guidance for candidates and agents](#).

Task	Tick
<b>Nomination form (all candidates)</b>	
Add your full name – surname in the first box and all other names in the second.	
Optional - Use the commonly used name(s) box(es) if you are commonly known by a name other than your full name and want it to be used instead of your full name.	
Description – Party candidates can use a party name or description registered with the Electoral Commission and this must match the details shown on the required certificate of authorisation from that party; others can use 'Independent' or leave this blank. Whatever you enter in this box will appear as your description on the ballot paper.	
Subscribers –all ten subscribers must sign and have their name printed. Use your copy of the electoral register to make sure their elector numbers are accurate. When collecting subscriber information ensure that you explain what the information will be used for and that the information will be shared with the Returning Officer.	
Method of submitting the form to the RO: in person (but not limited to you or your agent), by hand, to be accompanied by the home address form. It cannot be submitted by post, fax, e-mail or other electronic means.	
<b>Candidate's home address form (all candidates)</b>	
Add your full name.	
Add your home address in full.	
Add your qualifying address, or qualifying addresses, to each of the relevant qualifications and tick those which apply.	
Add the full name and home address in full of the person who will witness your consent to nomination form. The home address form will not be accepted without this information.	
Please also complete part 2 of the form if you do not want to have your home address printed on the ballot papers, giving the name of the relevant area – this is the county/district/London borough which your home address is in – or, where outside the UK, the country, in which your home address is situated, and sign the form. Please submit part 2 of the home address form with your nomination papers, even if you do not want to withhold your home address from the ballot papers.	
Method of submitting the form to the RO: in person (but not limited to you or your agent), by hand, to be accompanied by the nomination form. It cannot be submitted by post, fax, e-mail or other electronic means.	
<b>Candidate's consent (all candidates)</b>	
You must be a British, Commonwealth or other European Union Citizen and not require leave to enter or remain in the United Kingdom or have indefinite leave to remain. You must also be 18 years old or older on the date you sign this form.	
You must declare that you meet at least one of the listed qualification(s) and <b>should cross through any that do not apply</b> . Those left should match the qualification(s) as given on your home address form.	
You must not sign the form if you are disqualified to stand. Make sure that you read the Electoral Commission guidance on standing for election as well as the legislation listed. If you are not sure if you are able to stand you should contact your employer (where	

<sup>1</sup> This is not to be used for parish, community or mayoral elections. Separate [forms and guidance are available](#).

relevant), consult the legislation or, if necessary, take your own independent legal advice.	
Add your full date of birth.	
Sign and date the document in the presence of another person. You must not sign the consent form earlier than one calendar month before the deadline for submitting your nomination papers.	
Get the other person to complete and sign the witness section. This should be the same person whose details you provided as your witness on the home address form.	
Method of submitting the form (which must include all pages of legislation) to the RO: in person (but not limited to you or your agent), by hand. It cannot be submitted by post, fax, e-mail or other electronic means.	
<b>Certificate of authorisation (party candidates only)</b>	
Ensure the certificate contains the candidate's full name.	
Check the certificate allows the registered party name or description given on the nomination paper to be used (or allows the candidate to choose to use the party name or any registered description).	
Ensure the certificate is issued by the party Nominating Officer (or someone that they have authorised to issue it on their behalf) and that it is the original copy signed by that person.	
Method of submitting the form to the RO: in person (but not limited to you or your agent) or by post.	
<b>Request for party emblem (party candidates only)</b>	
Write the name or description of an emblem registered by the party and published on the Electoral Commission's website.	
Ensure the request is made by the candidate.	
Method of submitting the form to the RO: in person (but not limited to you or your agent) or by post.	
<b>Appoint an election agent (all candidates)</b>	
Give the name, address and office address of the appointed election agent. If you do not appoint an agent or choose to act as your own agent and do not provide an office address, your home address will be published on the notice of election agents if that address is within the required area (otherwise the office address will be that of your proposer). This will be the case even if you have requested to withhold this information on the home address form.	
Ensure the appointed agent signs the form showing their acceptance.	
Method of submitting the form to the RO: in person (but not limited to you or your agent) or by post.	

- This page has been intentionally left blank to support double-sided printing -



<b>1a – Nomination paper</b>		Office use only			
<b>Local government election in England</b>		Date received	Time received	Initials	No
*ELECTION OF COUNCILLORS / A COUNCILLOR for the					
	electoral division/ward of the				
county/district/London borough of *Delete whichever is inappropriate					
Date of election:					

Candidate's Details		
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 (see note 5)		

	Signature	Print name	Electoral number	
			Polling District	Elector Number
Proposer				
Seconder				
We, the undersigned, being local government electors for the said *electoral division/ward, do hereby assent to the foregoing nomination				
1				
2				
3				
4				
5				
6				
7				
8				

## Notes

1. The attention of candidates and electors is drawn to the rules for completing nomination papers and other provisions relating to nomination papers contained in the election rules in the Local Elections (Principal Areas) (England and Wales) 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 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.
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. The description, if any, can only be:
  - (a) one certified as an authorised or registered description as mentioned in Rule 5 of the election rules, or
  - (b) the word 'Independent'
6. 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 electoral area in the same \*county/district/London borough.
7. 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.
8. 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>Local government elections in England</b>		Date received	Time received	Initials
*ELECTION OF COUNCILLORS / A COUNCILLOR for the				
		*electoral division/ward of the		
*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: 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 (tick those which apply)		Address
(a) I am registered as a local government elector for the area of the *county/district/London borough named above		
(b) I have during the whole of the preceding 12 months occupied as owner or tenant land or other premises in the area named above		
(c) my principal or only place of work during the preceding 12 months has been in the *county/district/London borough named above		
(d) I have during the whole of the preceding 12 months resided in the *county/district or London borough named above		
Witness details		
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		

**Part 2: To be completed only if you do not wish your home address to be made public.**

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.

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>2</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 paper to the Returning Officer by no later than **4pm** on the last day to deliver nominations

<sup>2</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

<b>1c – Candidate's consent to nomination</b>	Office use only			
<b>Local government elections in England</b>	Date received	Time received	Initials	No

\*You must declare that you meet at least one of the listed qualification(s) below and may declare more than one qualification if applicable. **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:				
I (name in full):				
hereby consent to my nomination as a candidate for election as councillor for the:			*electoral division/ward	
of the *county/district/London borough 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 *county/district/London borough 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 area named above; or				
*c. my principal or only place of work during those 12 months has been in the *county/district/London borough named above; or				
*d I have during the whole of those 12 months resided in the *county/district or London borough named above.				
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, sections 80 or 81A of the Local Government Act 1972 or section 34 of the Localism Act 2011 (copies of which are printed overleaf), and I do not hold a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.				
<b>Note 1:</b> A candidate who is qualified by more than one qualification may complete any of those which may apply.				
<b>Note 2:</b> Disqualifications set out under s.81A of the Local Government Act 1972 only apply to a person who is subject to any relevant notification requirements, or a relevant order, made on or after 28 June 2022.				
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

**81A. Disqualification relating to sexual offences etc**

- (1) A person is disqualified for being elected or being a member of a local authority in England if the person is subject to—
- (a) any relevant notification requirements, or
  - (b) a relevant order.
- (2) In this section "relevant notification requirements" means—
- (a) the notification requirements of Part 2 of the Sexual Offences Act 2003;
  - (b) the notification requirements of Part 2 of the Sex Offenders (Jersey) Law 2010;
  - (c) the notification requirements of Part 2 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013;
  - (d) the notification requirements of Schedule 1 to the Criminal Justice Act 2001 (an Act of Tynwald: c. 4).
- (3) In this section "relevant order" means—
- (a) a sexual harm prevention order under section 345 of the Sentencing Code;
  - (b) a sexual harm prevention order under section 103A of the Sexual Offences Act 2003;
  - (c) a sexual offences prevention order under section 104 of that Act;
  - (d) a sexual risk order under section 122A of that Act;
  - (e) a risk of sexual harm order under section 123 of that Act;
  - (f) a risk of sexual harm order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005;
  - (g) a sexual risk order under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016;
  - (h) a restraining order under Article 10 of the Sex Offenders (Jersey) Law 2010;
  - (i) a child protection order under Article 11 of that Law;
  - (j) a sexual offences prevention order under section 18 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013;
  - (k) a risk of sexual harm order under section 22 of that Law;
  - (l) a sexual offences prevention order under section 1 of the Sex Offenders Act 2006 (an Act of Tynwald: c. 20);
  - (m) a risk of sexual harm order under section 5 of that Act.
- (4) For the purposes of subsection (1)(a), a person who is subject to any relevant notification requirements is not to be regarded as disqualified until—
- (a) the expiry of the ordinary period allowed for making an appeal or application against the conviction, finding, caution, order or certification in respect of which the person is subject to the relevant notification requirements, or
  - (b) if such an appeal or application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.
- (5) For the purposes of subsection (1)(b), a person who is subject to a relevant order is not to be regarded as disqualified until—

- (a) the expiry of the ordinary period allowed for making an appeal against the relevant order, or
- (b) if such an appeal is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.

## **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 " .

<b>2 – Certificate of authorisation</b>	Office use only			
<b>Local government elections in England</b>	Date received	Time received	Initials	No

To accompany the nomination of a candidate standing on behalf of a registered political party. (Note: candidates standing on behalf of two or more parties require a certificate from each party and each must allow the same registered joint description to be used).

This certificate must be issued by the registered Nominating Officer of the party or by a person authorised to sign on their behalf.

This certificate authorises the candidate to use a specific registered description or the name of the party as registered with the Electoral Commission, or to use 'any registered description or the party name as registered with the Electoral Commission'.

This authorised party name or description can then be included by the candidate on the nomination form. It is this which will appear as their description on the ballot paper. Party names and registered descriptions are listed on the Electoral Commission's website (<http://search.electoralcommission.org.uk>).

Details of candidate to be authorised and the allowed description/party name			
Ward/division name:		Date of election:	
The candidate (name in full):			
Name of political party:	Political party registered with the Electoral Commission		
I hereby certify that the candidate may include the following registered description or party name in their nomination form:			
Note: it is an offence to sign this form if you are not the party's registered nominating officer or authorised to do so by the party's registered nominating officer			
Signature of party's registered Nominating Officer (or person authorised by the registered Nominating Officer):			
Name of person signing this form:			
Date:			

This form must be delivered to the Returning Officer by no later than 4pm on the last day to deliver nominations.

<b>3 – Request for a party emblem</b>	Office use only			
<b>Local government elections in England</b>	Date received	Time received	Initials	No

This form is for a candidate of a political party who is subject to a certificate of authorisation and who wishes to have a party emblem printed on the ballot paper next to their name.

Party emblems are listed on the Electoral Commission's website (<http://search.electoralcommission.org.uk>).

**This form must be signed by the candidate.**

<b>Candidate's request for use of an emblem</b>			
Ward/division name:		Date of election:	
Candidate name in full:			
I request that the ballot paper shall contain, against my name, the following registered emblem (please identify which emblem if the party has registered more than one):			
Emblem to be used (Please use name or description as on the <a href="http://search.electoralcommission.org.uk">Electoral Commission's website</a> ):			
Candidate's signature:			
Date:			

**This form is only effective if delivered for a candidate standing on behalf of a political party to the Returning Officer by no later than 4pm on the last day to deliver nominations.**

Candidates standing on behalf of more than one political party and using a joint description may choose one emblem from one of the parties that you are standing for. Please indicate the name of the party and the emblem name in the 'Emblem to be used' box above.

<b>4 – Notification of an election agent</b>		Office use only			
<b>Local government elections in England</b>		Date received	Time received	Initials	No
Ward/division name					
Date of election:					

<b>Candidate's notification of their election agent</b>	
I, (Candidate name in full):	
Hereby declare that the name and address of my election agent is:	
Agent's name:	
Agent's address (in full):	
The office address of my election agent to which all claims, notices, legal process and the other documents may be sent is:	
Agent's office address (in full):	
Candidate's signature (or of person authorised to act on behalf of candidate):	
Date:	
<b>Confirmation of acceptance by election agent</b>	
<p>I [agent named above] confirm my acceptance as the election agent for the above named candidate.</p> <p>I understand that I must carry out my duties according to law. I understand that there are penalties if I fail to fulfil my duties according to law.</p>	
Agent's signature:	
Date:	

<b>Agent's other details in case of query (optional – will not be published)</b>	
Home telephone:	
Work telephone:	
Mobile telephone:	
Email address:	

Return to the Returning Officer by no later than **4pm** on the last day to deliver nominations.

# Metropolitan Borough Council

## Borough Council By-Election

### Timetable of Proceedings

### Thursday 26 January 2023

Event	Time	Day
Publication of notice of election		Monday 19 December
Deadline for delivery of nomination papers	4:00 pm	Thursday 29 December
Deadline for withdrawals of candidature	4:00 pm	Thursday 29 December
Deadline for notice of appointment of election agents	4:00 pm	Thursday 29 December
Publication of notice of election agents by	4:00 pm	Thursday 29 December
Publication of statements of persons nominated by	4:00 pm	Friday 30 December
Last day for applications to register to vote at this election		Tuesday 10 January
Deadline for new applications to vote by post	5:00 pm	Wednesday 11 January
Deadline for applications to change or cancel an existing postal vote appointment	5:00 pm	Wednesday 11 January
Deadline for applications to change or cancel an existing proxy vote appointment	5:00 pm	Wednesday 11 January
Publication of notice of poll by		Wednesday 18 January
Deadline for new applications to vote by proxy	5:00 pm	Wednesday 18 January
Last day for notice of appointment of counting & polling agents		Thursday 19 January
First day to issue replacement for lost postal ballot papers		Friday 20 January
POLLING DAY	7:00 am to 10:00 pm	Thursday 26 January
Deadline for the issue of replacements for spoilt or lost postal ballot papers	5:00 pm	Thursday 26 January
Deadline for new applications to vote by proxy on grounds of a medical emergency, Covid isolation or employment	5:00 pm	Thursday 26 January
Declaration of Candidates Expenses		35 days following the declaration of results

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

#### Postal vote despatches

Existing postal voters and those whose application we receive by Wednesday 21 December, will have their postal vote despatched on 6 January.

Electors whose applications to vote by post are received between 22 December and the application deadline of 5pm on 11 January, will have their postal vote pack despatched on 12 January.

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## **THIS PAGE TO BE RETAINED BY CANDIDATE**

### **ELECTORAL REGISTER REQUEST FOR CANDIDATE AT AN ELECTION**

A Candidate at an election is entitled to a free copy of the electoral register for the electoral area in which s/he is to stand for election. The candidate must request the register in writing and must specify whether a printed copy or data is required.

**NB:** by signing the declaration overleaf (which will be retained by Electoral Services) you are confirming that you have understood and will abide by your obligations as shown in regulation number 108 of Representation of the People (England and Wales) Regulations 2001 (the relevant part of the regulation is reproduced below)

You are also agreeing that you understand that it is a criminal offence subject to a maximum fine of £5000 to contravene these regulations.

#### **Relevant part of Regulation no. 108 of Representation of the People (England and Wales) Regulations 2001:**

**“Supply of full register etc to certain candidates and restrictions on use**

**(5) No candidate or election agent to whom a copy of the register has been supplied by virtue of this regulation may:**

- (a) supply a copy of the full register to any person,**
- (b) disclose any information contained in it that is not contained in the edited register, or**
- (c) make use of any such information, other than for electoral purposes.”**

You will be giving a signed undertaking that you will destroy or return the register –

- Immediately if you decide not to stand as a candidate

OR

- When the election is over if you are not elected

## **THIS PAGE TO BE RETAINED BY CANDIDATE AS REMINDER OF OBLIGATIONS**

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**THIS (SIGNED) PAGE TO BE RETAINED BY ELECTORAL SERVICES**

**ELECTORAL REGISTER REQUEST FOR CANDIDATE AT AN ELECTION**

***This signed declaration is to be retained by Electoral Services***

**DECLARATION TO BE SIGNED BY CANDIDATE:**

*I understand that it is a criminal offence subject to a maximum fine of £5000 to contravene the regulations.*

*I also understand that when the election is over or if I decide not to stand as a candidate, I will no longer be entitled to a copy of the register and will destroy the copy or will return it to the Electoral Services Office.*

**Signed** \_\_\_\_\_

**Dated** \_\_\_\_\_

**Print Name** \_\_\_\_\_

**Address** \_\_\_\_\_  
\_\_\_\_\_

If you are collecting the register on behalf of the candidate

Are you: The Candidates Election Agent	Y/N
Official Representative of the Candidate's Party	Y/N

Other – please state position and reason why you are entitled to collect on behalf of the candidate:

\_\_\_\_\_

***I request a copy of the electoral register for the electoral area below***

*Electoral Area: Keppel Ward*

*I require the register in Printed /Data Format (please delete which does not apply)*

*Email address (if data format requested)* \_\_\_\_\_

Please note that in the interests of data security, the register will either be supplied using our secure file transfer website, be collected in person or posted by recorded/special delivery for which a signature will be required by Royal Mail.

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## **REQUEST FOR ABSENT VOTER LIST**

***(Absent Voter List includes Postal voters, Proxy voters and Postal Proxy voters)***

### **DECLARATION TO BE SIGNED BY CANDIDATE/ ELECTION AGENT REQUESTING THE LIST**

\_\_\_\_\_  
*I request a copy of the; (please tick)*

- ☐ Current absent voter list for the electoral area below.
- ☐ Final absent voter list for the electoral area below in the election to be held on

*Electoral Area: Keppel Ward*

*Election Date* \_\_\_\_\_

*I require the list in Printed /Data Format (please delete which does not apply)*

*I am entitled to a copy of the list as a candidate/agent for the above named electoral area at the above election.*

*I understand that it is a criminal offence subject to a maximum fine of £5000 to contravene the regulations.*

If request is from Candidate/Agent at an election:

*I also understand that when the election is over or if I decide not to stand as a candidate, I will no longer be entitled to a copy of the list and will destroy the copy or will return it to the Electoral Services Office.*

***Signed*** \_\_\_\_\_

***Print Name*** \_\_\_\_\_

***Date:*** \_\_\_\_\_

***Address*** \_\_\_\_\_

***Email Address*** \_\_\_\_\_

Please note that in the interests of data security, lists will either be supplied using our secure file transfer website or will be posted by recorded/special delivery for which a signature will be required by Royal Mail.

**Completed forms can be returned using one of the following methods:**

**Scan and email to:** [electoral.services@rotherham.gov.uk](mailto:electoral.services@rotherham.gov.uk)

**Post to:** Electoral Services, Riverside House, Main Street Rotherham, S60 1AE.

**For office use**

Date received: \_\_\_\_\_

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## **Rotherham Metropolitan Borough Council**

### **Guidance for Erection of Election Posters on the Highway**

#### **Election Posters must conform as follows:**

- Posters will not be permitted on posts of any kind driven into the surface of any grass verge, pavement or road under any circumstances.
- No posters to go on Highway Authority apparatus including lamp columns, traffic signs and signals, barrier rails, bridges and structures.
- Can only be erected after the close of nominations.
- Must be removed before the end of the next full week following the Election Day.
- Minimum Public Liability Insurance limit of £5 million must be provided.
- Posters are not to be erected near road junctions, on roundabouts or on cross over points on dual carriageways and must be kept at least 40 metres back from any such junction. A junction is any meeting of roads where a driver has to make a manoeuvre or carry straight on.
- Must not interfere with any sight lines.
- No part of the posters should be nearer than 0.5 metres to the face of the kerb.
- A clearance of 2.1 metres must be maintained (measured from the underside of the poster to ground level) where posters are erected over a footpath.
- Must be sturdy and re-usable, but light enough not to cause injury.
- Must be removed as soon as possible by candidates or agents if highways officer considers there is public danger.
- Only be erected on private land with owners' permission.
- Must not be nailed to trees.

Posters not complying with the conditions may be removed and the cost of carrying out the removal may be charged to the candidate.

Any problems or advice should be addressed to:

Streetpride on 01709 336003 who will log your enquiry and pass it to the highway enforcement team.