

Unitary and Parish elections – 4 May 2017

Returning Officer for local elections

Dr Carlton Brand is the Returning Officer for the Unitary and Parish elections. His designation changes according to the types of election, e.g. for Parliamentary elections he is the Acting Returning Officer, and for Neighbourhood Plan referenda he is the Counting Officer.

He has a number of Deputies to assist with the election. Full Deputies are Ian Gibbons (Associate Director, Law and Governance) and John Watling (Head of Electoral Services). Carolyn Godfrey (Corporate Director) and Barry Pirie (Associate Director People and Business Services) are also Deputies with Limited Powers, e.g. to manage a count. Members of the Electoral Services team also act as Deputies when managing other activities such as postal vote opening.

The 2017 corporate election team

We run our main elections as large corporate projects. Typically the wider team will include staff from: Corporate Directors, Electoral Services, Customer Services, Scripting, Communications and Digital Media, Legal, Business Support, Emergency Planning, Transport, HR, Democratic Services, FM

Parish / Town / City Councils

In the following notes, the term “parish” council includes town councils, parish councils and the City Council.

Some parishes are further sub-divided into parish or town wards, and some parishes form a joint parish council with their neighbours. All parishes must have a parish meeting, but not all parishes have parish councils.

In Wiltshire there are:

- 192 parishes with whole parish elections, i.e. not subdivided into wards
- 100 parish ward elections
- 15 parishes form joint parish councils
- 21 parishes with a parish meeting, but no parish council

This means there will be 307 separate parish elections this year, and as all 98 unitary council seats are also subject to election, there will be 405 elections all running at the same time.

The six month rule, vacancies and term of office

- **Effect on casual vacancies occurring on or after 8 November 2016**
Rule 8(4) of the Local Elections (Parishes and Communities) Rules 1986 states that if a casual vacancy occurs in the office of parish councillor *within six months* before the day on which that councillor would normally have retired (i.e. before 8 May 2017) then the parish council may co-opt. The effect of this is that there will be no elections to fill any casual vacancies occurring between 8 November 2016 and 8 May 2017 and the parish council may co-opt “as soon as is practicable”. The Returning Officer must still be notified of vacancies as and when they occur.

- **Dates of office**

At ordinary (i.e. main) elections, parish councillors all retire together on the fourth day after the ordinary day of election. All the newly elected councillors (irrespective of whether the election was contested or not) take up office on that day (Section 16(3) Local Government Act 1972)

In 2017, the day of the election of unitary and parish councillors is Thursday 4 May. This means that all existing parish councillors will cease office on Monday 8 May, and their successors will also take office on 8 May. The term of office is four years.

- **Points to note**

- Councillors do not simply continue in office
- Existing councillors must submit a nomination paper if they want to be re-elected
- The changeover date is four days after the election
- The Chairman continues in office until his/her successor is appointed
- A chairman therefore presides over the first business of the new council. If he/she was not re-elected, then he/she does not have a vote, but does have a casting vote on the election of the new chairman which must be exercised in the event of an equality of votes.

Qualifications to stand as a candidate

To be able to stand as a candidate at a parish council election in England you must:

- be at least 18 years old
- be a British citizen, an eligible [Commonwealth citizen](#) or a citizen of any [member state of the European Union](#), and meet at least one of the four qualifications below:
 - a. You are, and will continue to be, registered as a local government elector for the parish in which you wish to stand from the day of your nomination onwards.
 - b. You have occupied as owner or tenant any land or other premises in the parish area during the whole of the 12 months before the day of your nomination and the day of election.
 - c. Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the parish area.
 - d. You have lived in the parish area or within three miles of it during the whole of the 12 months before the day of your nomination and the day of election.

The qualifications for being a unitary councillor are broadly similar, although you need to be, and will continue to be, registered as a local government elector **for the local authority area** in which you wish to stand from the day of your nomination onwards.

Timetables and key dates

- The statutory Unitary and Parish timetables are almost identical, apart from last day to submit a return of expenses. This is the statutory declaration of how much has been spent on the election campaign by each candidate, and is not a request for reimbursement.
- The Notice of Election has to be published by 27 March. We will publish ours on 15 March in order to allow more time for nomination papers to be received.
- Close of nominations - 4pm on 4 April
- Deadline for withdrawal - 4pm on 4 April ** See paragraph below under Changes in Legislation
- Statement of Persons Nominated by 4pm on 5 April
- Last date to register to vote – 13 April
- Close of postal vote applications – 18 April
- Close of proxy vote applications – 25 April
- Polling Day – 4 May
- Return of expenses – 1 June for parish, 8 June for unitary,

Changes in legislation since 2013

- Nomination papers can no longer be delivered by post, fax or e-mail, as they have to now be hand delivered by either the candidate or somebody appointed by them.
- There are a few minor changes to the ballot paper design, but no significant implications here, as the main change is that candidates are no longer numbered.
- ** The deadline for withdrawal of candidature is now the same as the close of nominations. In previous elections the close of nominations was usually a few days before the close of withdrawals. This meant that candidates could submit nominations for more than one ward of the same council and evaluate the opposition, before withdrawing from all but one ward. Now, at the close of nominations if they remained nominated for more than one ward of the same council, then the Returning Officer has to disallow all.
- All seven pages of the candidates consent form must be submitted. The nomination packs are available on the website. The Electoral Commission advises that all seven pages of the consent form must be received by the Returning Officer before the close of nominations, in order for the nomination to be valid.

Nominations

- **Dates**

Nomination papers can only be accepted from the day after publication of Notice of Election until 4pm on 4 April. We are publishing this on 15 March, so nominations can be brought in by hand from 16 March. The closing date remains 4 April.

- **Venues**

Nomination papers can only be received at the 'Electoral Services Nomination desk' at any of the following designated Wiltshire Council offices:

- County Hall, Bythesea Road, Trowbridge BA14 8JN
 - Monkton Park, Chippenham, SN15 1ER
 - Crossmolina Buildings, Snuff Street, Devizes, SN10 1FG
 - Five Rivers Health & Wellbeing Centre, Hulse Road, Salisbury, SP1 3NR
- Process – Nomination papers can only be delivered in person, but this may be a person appointed by the candidate (but not Royal Mail).
- **What happens after the close of nominations?**
Once nominations close at 4pm on 4 April, (and there can be no more withdrawals) there are then three possibilities

1. There are more candidates than seats – a poll will be taken on 4 May
2. There are fewer candidates than seats or the exact number – those validly nominated are declared elected unopposed and will form the new council from 8 May, and can co-opt to fill any remaining seats, **unless**
3. There are fewer candidates than seats, and not enough to form a quorum. A new election will be required within 35 days, and those candidates validly nominated are declared elected unopposed, but will be unable to act until the council is quorate. Co-option is not allowed. Once a quorum is reached, the parish council can act, and co-opt to fill the remaining seats

- **What is a quorum?**

The Local Government Act defines a quorum as:

“Subject to paragraph 45 below, no business shall be transacted at a meeting of a parish council unless at least **one-third** of the whole number of members of the council are present at the meeting; but, notwithstanding anything in that paragraph, **in no case shall the quorum be less than three.**”

(Paragraph 45 refers to when more than one-third of the members of a local authority become **disqualified** at the same time)

This is calculated by reference to the size of the council, not to a parish ward, if warded. It is therefore possible for a parish council to be quorate if sufficient nominations are received in one ward, but none in another. Standing Orders do not take precedence, so it is not possible to have a higher or lower quorum figure.

Parish council meetings – LG Act 1972, Schedule 12

- A parish council shall in every year hold an annual meeting.
- In a year which is a year of ordinary elections of parish councillors, the annual meeting of a parish council shall be held on, or within fourteen days after, the day on which the councillors elected at that election take office, and in any other year the annual meeting shall be held on such day in May as the parish council may determine.
- The annual meeting of a parish council shall be held at such hour as the council may fix or, if no hour is so fixed, 6 o'clock in the evening.
- A parish council shall in every year hold, in addition to the annual meeting, such other meetings (not less than three) as they may determine.

Acceptance of office – parish councils

A person elected to the office of chairman of a parish or parish councillor shall—

- (a) in the case of the chairman, at the meeting at which he is elected;
- (b) in the case of a councillor, before or at the first meeting of the parish council after his election; or
- (c) in either case if the council at that meeting so permit, before or at a later meeting fixed by the council;

make in the presence of a member of the council or of the proper officer of the council and deliver to the council a declaration of acceptance of office, and if he fails to do so his office shall thereupon become vacant.

Poll cards

- The first batch of combined Poll cards will be sent out on or around 27 March, indicating that “there may also be a parish election in your area”. The deadline for people to register to vote is 13 April, and the deadline for the receipt of new postal votes is 18 April.
- In 2013 we had to send about 20,000 “Un Poll Cards” as six unitary divisions were not contested
- There will be further batches of poll cards as new people register, or as they change their voting method, e.g. polling station elector to postal voter

Postal Voting

We will not be combining parish and unitary postal votes. This allows our contracted printer to prepare all unitary postal votes in advance, and then print only those contested parish areas later. In 2013, only about 25% of the parish elections were contested, and it would probably cost another £40,000 to print and then destroy all the postal votes for parishes which are not contested. We will have a number of issue dates.

By sending our first batch of data to the printers before the closing date for applications, we are able to ensure that existing postal votes can be despatched well before polling day.

Postal Voters on our system by	Election	Data to printers	Expected despatch date to electors
12 March	Unitary	13 March – 1 st run	13 April
6 April	Unitary	7 April – 2 nd run	13 April
18 April	Unitary	19 April – 3 rd run	24 April
6 April	Parish	7 April – 1 st run	19 April
18 April	Parish	19 April – 2 nd run	24 April

The Verification and Count

- Polls close at 10pm on Thursday 4 May. We will receive all the ballot boxes at the count venues immediately after the close of poll
- We will open any postal votes received at polling stations from 8pm on polling day
- This will enable us to start on the verification and count proper on the **Friday morning**. Venues and attendance arrangements will be confirmed later, but there could potentially be 25 unitary counts and 40 parish counts at each venue, so we will need to limit the number of agents attending.
- We will verify all boxes first, before counting papers for individual candidates, so results are unlikely to appear before midday.
- Unitary results will normally be declared first

Effects of the Community Governance Review

Over recent months, the Council has undertaken a Community Governance Review, and this resulted in the Wiltshire Council (Reorganisation of Community Governance) Order 2016 being sealed in December 2016.

This has resulted in a number of parish boundary changes across the county and changes to internal ward boundaries and the number of seats. However, the majority of the county is not directly affected. A summary of the changes is set out below:

Residential gains and losses	Gaining	Losing	Net gain
Bishop Cannings	341	0	341
Bishopstrow	8	0	8
Box	248	45	203
Britford	0	19	-19
Broughton Gifford LCP	0	0	0
Calne	6	0	6
Calne Without	0	6	-6
Chippenham	7	0	7
Corsham	45	255	-210
Devizes	2,038	0	2,038
Hilperton	0	264	-264
Landford	338		338
Laverstock and Ford	346		346
Melksham	841	0	841
Melksham Without	0	841	-841
Netherhampton	0	144	-144
Quidhampton	2		2
Redlynch	0	338	-338
Roundway	0	2,379	-2,379
Salisbury	163	348	-185
South Newton		0	0
Sutton Veny		2	-2
Trowbridge	396		396
Warminster		6	-6
West Ashton		104	-104
Wingfield		28	-28
	4,779	4,779	0

We have been fortunate to have had parish and division boundaries following a common line in most of our warded parishes since 2009, but there may now be small areas where electoral areas are different. Unitary boundaries have not changed since 2009, but where parish boundaries, or parish ward boundaries, have been changed by the 2016 Order, it is

quite likely that electors will face a situation where they vote for “xTown” North division at the unitary election, but “xTown” Central ward at town election level.

The parish of Roundway does not exist after 1 April 2017, as the parishes of Devizes and Roundway have merged.

When do the candidate spending and donation rules apply?

The Electoral Commission calls the time when the spending and donation rules apply the ‘regulated period’.

- The regulated period for the 2017 local government elections in England begins on the **day after the date** you officially become a candidate and ends on polling day, 4 May 2017
- The earliest date you can officially become a candidate is the last date for publication of the notice of election, which will be Monday, **27 March 2017**.

Date you become a candidate

- You will become a candidate on this date (27 March) if you or others have already announced your intention to stand. For example, your party may have issued a press release when you were selected, or you might have mentioned your intention at a residents’ meeting.
- If your intention to stand has not been announced by 27 March 2017, you will officially become a candidate on the earlier of:
 - the date your intention to stand is announced
 - the date when you submit your nomination papers
- This must be prior to the close of nominations, which is 4pm on 4 April 2017.

Who pays for parish elections?

In late 2009, the new unitary Council for Wiltshire decided to discontinue the practice of recharging for parish elections, and to apply the decision retrospectively from 1 April 2009.

In 2015 this policy was reviewed and reversed during the budget process, with the result that for any vacancy occurring on or after 1 April 2015, Parish and Town Councils are expected to cover the cost of by elections and parish polls. However, where a parish or town council election (but not a parish poll) coincides with a Unitary council election, the Wiltshire Council would meet the costs. This would apply to the scheduled four yearly elections, and also to any casual vacancies if they coincide.

In the event of a second parish election being required because insufficient nominations have come forward to form a quorum, then the costs of the second election will be recharged to the parish, but not the first.

Local Government Elections - Timetable of Proceedings

Wiltshire Unitary Council

and

Parish and Town Council Elections

Thursday 4 May 2017

Publication of Notice of Election	15 March 2017 (i.e. by Monday 27 March 2017)
Deadline for Receipt of Nominations	4:00 pm Tuesday 4 April 2017
Deadline for Withdrawal of Candidate	4:00 pm Tuesday 4 April 2017
Deadline for Appointment of Election Agents (Unitary only)	4:00 pm Tuesday 4 April 2017
Publication of Statement of Persons nominated	4:00 pm Wednesday 5 April 2017
Last Date to Register to Vote	Thursday 13 April 2017
Deadline to cancel or amend existing postal or proxy arrangements	5:00 pm Tuesday 18 April 2017
Deadline for Receipt of New Postal Vote Applications	5:00 pm Tuesday 18 April 2017
Publication of Notice of Poll	Tuesday 25 April 2017
Deadline for Receipt of Proxy Vote Applications	5:00 pm Tuesday 25 April 2017
Deadline for Appointment of Poll and Count Agents	Wednesday 26 April 2017
First Day to Issue Replacement Lost Postal Ballot Papers	Thursday 27 April 2017
Supplementary Postal Vote Opening	Thursday 4 May 2017
Day of Poll	7:00 am to 10:00 pm Thursday 4 May 2017
Deadline for Receipt of Emergency Proxy Vote Applications	5:00 pm Thursday 4 May 2017
Last Day to Issue Replacement Spoilt or Lost Postal Ballot Papers	5:00 pm Thursday 4 May 2017
Deadline for Receipt of Declaration of Candidates Expenses - Parish and Town	Thursday 1 June 2017
Deadline for Receipt of Declaration of Candidates Expenses - Unitary	Thursday 8 June 2017
Dated 7 February 2017	