TENDRING RURAL EAST DIVISION ESSEX COUNTY COUNCIL NOMINATION PACK FOR ELECTION ON 6 MAY 2021

Issued by: Deputy Returning Officer
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

This nomination pack is for use by candidates who are standing at the election to be held on 6 May for a County Councillor for the Tendring Rural East electoral division.

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

1c: Candidate's consent to nomination

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 Deputy Returning Officer specifies the times and exact location to which nomination papers must be delivered. This Notice is available at the following internet page from 19 March 2021:

2021 Elections | Tendring District Council (tendringdc.gov.uk)

The deadline for receipt of above forms, properly completed, is 4pm on Thursday 8 April 2021. In view of Covid-19 pandemic restrictions, candidates and agents are asked to initially seek an information check of their forms by providing a digital image of them at the earliest opportunity. If digital images cannot be provided, please submit a copy of the original. We will arrange a video/telephone call to provide feedback. Completed forms must still be submitted by stated deadline.

Ensure that where signatures are required, you submit the **original signed version** of each completed paper (except for the informal check). Documents without original signatures cannot be accepted (other than for informal checks).

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 Deputy Returning Officer. For further information on data protection and data processing, you should refer to the Deputy Returning Officer's privacy notice on their website.

The Returning Officer Data Protection and Privacy Notice | Tendring District Council (tendringdc.gov.uk)

C | Local government election in England | Candidate checklist

This checklist is designed to assist candidates standing in a principal area local government election[1] in England in preparing to submit their nomination, and should be read alongside the Electoral Commission's Guidance for candidates and agents.

Task	Tick
Nomination form (all candidates)	
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 supported by a 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. The printed name should match the signature. If this is different from their full name you can use the space to show their full name as well (e.g. A N Other (Andrew Neil Other)). Use your copy of the electoral register to make sure the elector number of all subscribers 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 Deputy Returning Officer.	
Method of submitting the form to the Deputy Returning Officer: 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.	
Candidate's home address form (all candidates)	
Add your full name	
Add your home address in full (with no abbreviations, post code and consistent with home address details on all other forms to be submitted).	
Add your qualifying address (with no abbreviations, post code and consistent with home address details on all other forms to be submitted), or qualifying addresses, and indicate which of the qualifications you've declared on your consent to nomination the address(es) relate to.	
Add the full name and home address in full of the person attesting your home address form (which must be the same person as signs your consent to nomination form)	
Optional - If you do not want to have your home address printed on the ballot papers, complete part 2 of the form, giving the name of the relevant area (e.g. The County of Essex) or, where outside the UK, the country, in which your home address is situated, and sign the form.	
Method of submitting the form to the Deputy Returning Officer: 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.	
Candidate's consent (all candidates)	
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 meet at least one of the listed qualifications (a, b, c or d), and mark the form to show which qualification applies. You should mark as many qualifications as apply.	
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 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 (which must be the same person as the witness on your home address form). 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	
Method of submitting the form (which must include all pages of legislation) to the Deputy Returning Officer: 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.	
Certificate of authorisation (party candidates only)	
Ensure the certificate contains the candidate's full name	
Check the certificate allows the registered party name or registered description given on the nomination paper to be used (or allows the candidate to choose to use the party name or any registered description). The two forms must match precisely the name/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. If you have the authorisation from the party Nominating Officer of the signatory then this will help confirm the position.	
Method of submitting the form to the Deputy Returning Officer: in person (but not limited to you or your agent) or by post	
Request for party emblem (party candidates only)	
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 Deputy Returning Officer: in person (but not limited to you or your agent) or by post	
Appoint an election agent (all candidates)	
Give the name, address and office address of the appointed election agent	
Ensure the appointed agent signs the form showing their acceptance	
Method of submitting the form to the Deputy Returning Officer: in person (but not limited to you or your agent) or by post	

Office Use only	Date received	Time received	Initials	No.

1a	Local government election in England

Nomination paper

*ELECTION OF A COUNCILLOR for the	
[1] Tendring Rural East	Electoral Division
County of	Essex
Date of election:	Thursday 6 May 2021

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

Candidate's Details		
Candidate's surname		Mr/Mrs/Miss/ Ms/Dr/Other
Other forenames in full		
Commonly used surname (if any and different from above)		
Commonly used forenames (if any and different from above)		
Description (if any) "Independent" or as authorised by a certificate of authorisation.		

	Signature	Print name	Electoral number	
			Polling district (Letters)	Elector number
Proposer:				
Seconder:				

We, the undersigned, being local government electors for the said electoral division, 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.

Office Use only	Date received	Time received	Initials	No.

1b	Local government election in England	Home address form

Electoral Division	Tendring Rural East	Date of election	Thursday 6 May 2021

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 (forenames and surname)	
Home address (in full with no abbreviations)	
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).	☐ (✓) if as above (otherwise set out in full here) a) ☐ b) ☐ c) ☐ d) ☐
Attestor's full name* (forenames and surname)	
Attestor's full home address* (with no abbreviations)	
*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 Deputy Returning Officer by no later than 4pm on the last day to deliver nominations

☐ (✓) if you consent to your home address being made public (if ticked please leave part 2 blank).

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: (e.g. The County of Essex)	
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 **Deputy Returning Officer** by no later than **4pm** on the last day to deliver nominations

Office Use only	Date received	Time received	Initials	No.

1c Local government election in England

Candidate's consent to nomination

* Delete whichever is inappropriate

Date of election:	Thursday 6 May 2021	
I (name in full - forenames & surname):		
hereby consent to my nomination as a candidate for election as councillor for the:	Tendring Rural East	Electoral Division
of the county of:	Essex	

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

Please delete/strike out those that do not apply.

*a. I am registered as a local government elector for the area of the county 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 named above; or

*d. I have during the whole of those 12 months resided in the area 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, section 80 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.

Date of birth:			Signature:	Date of consent:

Witness: I confirm the above-mentioned candidate signed the declaration in my presence.

Witness (name in full – forenames & surname):	
Witness's signature:	

The witness named above is the same person as the attestor in the Home Address Form (1b).

PLEASE RETURN THIS LEGISLATION WITH YOUR NOMINATION PAPERS.

Local Government Act 1972

80. Disqualifications for election and holding office as member of local authority

(1) Subject to the provisions of section 81 below, a person shall be disqualified for being elected or being a member of a local authority if he –

(a) holds any paid office or employment (other than the office of chairman, vice-chairman, deputy chairman, presiding member or deputy presiding member or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive) appointments or elections to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a joint committee or National Park authority on which the authority are represented or by any person holding any such office or employment; or

(b) is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order, or a debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986; or

(c) [This has been removed and no longer applies]

(d) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or

(e) is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983.

(2) Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of –

(a) a committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority; or

(b) a joint board, joint authority, economic prosperity board, combined authority, joint waste authority or joint committee on which the authority are represented and any member of which is so appointed;

shall be disqualified for being elected or being a member of that other local authority.

(2AA) A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes –

(a) one or more persons appointed on the nomination of the Authority acting by the Mayor, and

(b) one or more members of one or more London borough councils appointed to the committee on the nomination of those councils,

shall be disqualified for being elected or being a member of any of those London borough councils.

(2A) Subsection (2) above shall have effect as if the reference to a joint board included a reference to a National Park authority.

(2B) For the purposes of this section a local authority shall be treated as represented on a National Park authority if it is entitled to make any appointment of a local authority member of the National Park authority.

(3) Subsection (1)(a) shall have effect in relation to a teacher in a school maintained by the local authority who does not hold an employment falling within that provision as it has effect in relation to a teacher in such a school who holds such an employment.

(5) For the purposes of subsection (1)(d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is

finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the conviction.

81. Exception to provisions of section 80

(4) Section 80(2) and (3) above shall not operate so to disqualify –

(a) any person by reason of his being a teacher, or otherwise employed, in a school or other educational institution maintained or assisted by a county council for being a member of a district council by reason that the district council nominates members of the education committee of the county council

Localism Act 2011

Section 34(4) describes how a person may be disqualified from standing in local government elections under this section. The remaining provisions of section 34 do not directly affect a person's entitlement to stand for election.

34 Offences

(1) A person commits an offence if, without reasonable excuse, the person—

(a) fails to comply with an obligation imposed on the person by section 30(1) or 31(2), (3) or (7),
(b) participates in any discussion or vote in contravention of section 31(4), or
(c) takes any steps in contravention of section 31(8).

(2) A person commits an offence if under section 30(1) or 31(2), (3) or (7) the person provides information that is false or misleading and the person—

(a) knows that the information is false or misleading, or
(b) is reckless as to whether the information is true and not misleading.

(3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A court dealing with a person for an offence under this section may (in addition to any other power exercisable in the person's case) by order disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.

(5) A prosecution for an offence under this section is not to be instituted except by or on behalf of the Director of Public Prosecutions.

(6) Proceedings for an offence under this section may be brought within a period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.

(7) But no such proceedings may be brought more than three years—

(a) after the commission of the offence, or
(b) in the case of a continuous contravention, after the last date on which the offence was committed.

(8) A certificate signed by the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact; and a certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.

(9) The Local Government Act 1972 is amended as follows.

(10) In section 86(1)(b) (authority to declare vacancy where member becomes disqualified otherwise than in certain cases) after " 2000 " insert " or section 34 of the Localism Act 2011 ".

(11) In section 87(1)(ee) (date of casual vacancies)—

(a) after "2000" insert " or section 34 of the Localism Act 2011 or ", and
(b) after "decision" insert " or order ".

(12) The Greater London Authority Act 1999 is amended as follows.

(13) In each of sections 7(b) and 14(b) (Authority to declare vacancy where Assembly member or Mayor becomes disqualified otherwise than in certain cases) after sub-paragraph (i) insert—

"(ia) under section 34 of the Localism Act 2011,".

(14) In section 9(1)(f) (date of casual vacancies)—

(a) before "or by virtue of" insert " or section 34 of the Localism Act 2011 ", and
(b) after "that Act" insert " of 1998 or that section ".

Office Use only	Date received	Time received	Initials	No.

2	Local government election in England	Certificate of authorisation

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			
Electoral Division:	Tendring Rural East	Date of election:	Thursday 6 May 2021
The candidate (name in full – forenames & Surname):			
Full name of political party: (as included in the Electoral Commission's Register)			
I hereby certify that the candidate may include the following registered description or party name in their nomination form: (this description must match that included in the nomination paper)			
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 Deputy Returning Officer, Town Hall, Station Road, Clacton-on-Sea, Essex, CO15 1SE by no later than 4pm on the last day to deliver nominations.

Office Use only	Date received	Time received	Initials	No.

3	Local government election in England	Request for a party emblem

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.

Candidate's request for use of an emblem			
Electoral Division:	Tendring Rural East	Date of election:	Thursday 6 May 2021
Candidate name in full: (forenames & surname)			
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 Electoral Commission's website): (the exact image description and/or emblem ID number should be included)			
Candidate's signature:			
Date:			

This form is only effective if delivered for a candidate standing on behalf of a political party to the Deputy Returning Officer, Town Hall, Station Road, Clacton-on-Sea, Essex, CO15 1SE 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.

Office Use only	Date received	Time received	Initials	No.

4	Local government election in England	Notification of election agent

DO NOT USE IF YOU ARE YOUR OWN AGENT

Electoral Division:	Tendring Rural East	Date of election	Thursday 6 May 2021

Candidate's notification of their election agent	
I, (Candidate name in full – forenames & surname):	
Hereby declare that the name and address of my election agent is	
Agent's name:	
Agent's address (in full – no abbreviations):	
The office address of my election agent to which all claims, notices, legal process and other documents may be sent is:	
Agent's office address in full (no abbreviations):	
Candidate's signature (or of person authorised to act on behalf of candidate):	
Date:	
Confirmation of acceptance by election agent	
I [agent named above] confirm my acceptance as the election agent for the above named candidate. 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.	
Agent's signature:	
Date:	

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

Return to the **Deputy Returning Officer,** Town Hall, Station Road, Clacton-on-Sea, Essex, CO15 1SE by no later than **4pm** on the last day to deliver nominations.

Local government election	Notice of withdrawal

Election of a councillor for		
Electoral area	Tendring Rural East	
Of Essex County		Council
Date of election:	Thursday 6 May 2021	

To be completed by candidates seeking to withdraw their nomination and to be delivered to the Returning Officer at the place fixed for the delivery of nomination papers by 4pm on Thursday 8 April 2021. If the candidate is outside the United Kingdom please contact the Returning Officer for further advice.

I (candidate's name in full – forenames & surname)	
of (address of candidate in full – no abbreviations)	
having been nominated, **withdraw** my nomination as a candidate for the above election.	

Section 1 – To be completed by the candidate in the presence of a witness			
Signature of candidate		Date	

SECTION 2 – TO BE COMPLETED BY WITNESS			
Signature of witness		Date	
Print name of witness (in BLOCK CAPITALS)			

The data controller will only use the information you have provided on this form for electoral purposes and will look after your personal information securely, following data protection legislation. The data controller will not give personal information about you and the personal information you may provide on other people to anyone else or another organisation unless required by law.

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

The Deputy Returning Officer is the Data Controller. For further information relating to the processing of personal data you should refer to their privacy notice on their website.

For official use only
Lodged _____ (date) _____ (time) _____