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Elections 2019

2 messages

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Elections 2019

Where have the last four years gone? It seems to have flown by. I hope everyone who has stood as a councillor during this term of office has enjoyed their experience representing their communities interests and making a difference in the quality of life of their residents. You'll find in this bulletin a range of information to prepare you for the weeks ahead (and apologies that I have not been able to circulate it sooner).

The importance of local council elections

I often hear people say 'why do we have elections?', 'they are expensive', 'no one stands anyway', but the truth is, elections are very important.

With local councils delivering more for residents than ever before, councillors take an active role in influencing what services are and are not provided, and are consulted on nearly everything that happens within their community. These decisions affect the lives of people who live and work there.

Elections enable communities to participate in the local politics; to actively choose who is best to represent them, and who would be the best community leaders. It gives people power; power to create change. A competitive election process encourages nominees to be more open about their priorities and their vision and opens up discussions on public issues encouraging even more people to participate and engage. Having a strongly contested election is essential to having a refreshed council, brimming with enthusiasm and ready to serve the community, with the support and confidence of the community behind it.

Contested vs uncontested elections

Every council has 'seats' i.e. the number of councillor positions available. The number of seats is set and

can only be altered by a statutory process called a Community Governance Review (these take more than a year to carry out so it cannot be done before May 2019!).

If you have more candidates than seats, there will be a contest for those seats and therefore a 'contested election'. If you have the same number or fewer candidates than seats, you will have an 'uncontested election'. Those councillors are still considered 'elected', they are just elected uncontested.

Important note: If you have far more candidates than seats and will have a 'contested election', there could be some substantial changes for your councils. Remember, just because someone had been a councillor before, it does not mean they are guaranteed to be a councillor again. You may find yourselves with an entirely new council!

Election Timetable

The full timetable for the elections can be seen [here](#), but I would like to highlight some key dates.

Deadline for nominations - 4pm Wed 3 April. There are no exceptions for late paperwork, make sure any interested individuals, including existing councillors, deliver their paperwork by this date. It is not the responsibility of the clerk to deliver nomination papers to the district/borough council, each individual should take responsibility for their own paperwork.

Publication of nominated individuals - by 4pm Thu 4 April. This will be your first opportunity to see if you have a contested/uncontested election.

Publication of notice of Poll - no later than Wed 24 April. Make sure to promote voting in your community!

Poll Day - Thu 2 May.

Publication of Election results - Fri 3 May. Find out who your new councillors are!

Purdah

The pre-election period is defined as beginning with the last date for the publication of notice of the election to the close of poll at 10:00pm on polling day, often known as the purdah period, the Council, its members and officers should be aware of the special rules designed to ensure the political impartiality of all Council publicity. This will include the obvious forms such as newsletters, magazines, press releases, posters and leaflets issued by the Council. It also includes websites, public meetings, local consultation exercises, exhibitions sponsored by the Council and press advertising, and can include spoken words addressed to the public or broadcast through radio, television or the Internet.

Generally, the Council must avoid:

- proactive publicity of candidates and other politicians involved directly in the elections;
- publicity that deals with controversial issues that could specifically be linked to a relevant election issue; and
- publicity that reports views, proposals or recommendations in such a way that it identifies them with individual members or groups of members directly involved in the election.

Top Tips:

- Exclude all quotes and photographs of members in press releases, publications and other published material;

- Refrain from organising photo opportunities or events which could give candidates advantage over others;
- Postpone publications, events until after the elections.

Council business must of course continue and are permitted to serve their electorate in the way they feel best. Common sense and a little caution is wise in ensuring that public funds are not used to seek the promotion of individuals or groups of councillors.

The first meeting of the new council

The new councillors will take office on Tuesday 7th May.

At or before their first meeting they must sign their **Declaration of Office** (a later date can be agreed if they are unable to attend). Councillor must also complete their **Register of Interests** and **Elections Expenses** within 28 days of the election. Failure to do so would result in disqualification from office. We recommend councillors arriving for the first meeting early to complete all their paperwork.

It is in NALC's view that the **annual council meeting** must take place between Wednesday 8 and Thursday 23 May. This is in line with paragraph 7 (2) of Schedule 12 to the Local Government Act 1972, which provides that in a year which is a year of ordinary elections the annual council meeting shall be held on or within 14 days after the day on which the councillors elected take office. NALC's view is that the earliest the summons can be sent is on election day, Thursday 2 May, and the Sunday and Bank Holiday Monday are not counted in the computation of days for the service of the summons. Sundays are also not counted in the 14 day calculation.

(I am aware that NALC and the SLCC have differing views on the timescale of when the first meeting needs to take place - this is due to different solicitors interpretations of the legislation. The legislation is s243 of the Local Government Act 1972.)

Your first item of business at this meeting must be the **election of the chairman** (even before apologies and public participation time). The outgoing chair (whether elected or not) presides the meeting until a new chair is elected. In the event the outgoing chair cannot attend the meeting, the meeting may appoint anyone from the meeting to preside for this item. This cannot be the clerk, a district/county councillor or a member of the public. Once elected, their chairman must sign a **Declaration of Office for the role of Chairman**.

Other business to include within your first meeting are:

- Appointments to Committees, Sub-Committees and Working Groups
- Appointments/Representatives to other bodies
- Appointing your bank signatories

You can of course include a range of other business within this meeting as per your councils standing orders and interests.

Potential problems and how to solve them

An inquorate council

Your council will be inquorate if the numbers of seats filled is less than 3 or 1/3 (whichever is greater). This means the council will no longer be able to conduct its business. Your earliest opportunity to know this would be 4 April when the nominated individuals are published. If this were to happen, the District/Borough Council will most likely appoint some of their councillors to temporarily fill some of your vacant seats to make your quorate. There will be a risk of a further election - so spend time trying to find

individuals to fill vacancy after the elections have taken place.

If you know you will be inquorate, consider delegating some decision making to your Proper Officer so some council business can continue during the interim period. This can be done at your April meeting.

Existing bank signatories are no longer councillors

Obviously not an ideal situation to be in, and again, changing signatories can take time. Where possible, make sure all bills are paid promptly in April, agree extensions on any new bills where possible, create standing orders/direct debits for any regular payments i.e. staff salaries in advance.

New council does not agree with the decisions of the old council

Sometimes, newly elected councillors strongly oppose decisions made under the previous council. This can be particularly concerning when there is an active lobby/campaign group within the community choosing to stand for election. It is important for everyone to realise that the council is a body corporate. Even when individuals disagree, whatever the majority opinion may be, is the decision that is made and all members must accept that position.

As a general rule, decisions should not be revisited unless there has been a substantial change in circumstances or new information has come to light. This is because many decisions have contractual obligations for the council and/or partners organisations which can be costly, disruptive and cause ill feeling. Consideration must be given as to the impact a revision will bring. Your council's Standing Orders may also state that decisions should not be revisited for a period of 6 months.

Further information

Further information can be found on our website at <http://www.devonalc.org.uk/elections-2019>



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2 April 2019 at 15:17

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