

ANGUS COUNCIL

CORPORATE SERVICES COMMITTEE – 2 SEPTEMBER 2010

COMMUNITY COUNCIL ELECTIONS

REPORT BY DIRECTOR OF CORPORATE SERVICES

ABSTRACT:

The purpose of this Report is to advise members of the arrangements for the conduct of the Community Council Elections which are due to be held in September/October 2010.

1. RECOMMENDATION(S)

It is recommended that the Committee:-

- (i) note that the expiry of the term of office for all existing Community Councillors is Monday 4 October 2010;
- (ii) note the Scheme of Electoral Arrangements for the 2010 Community Council Elections as appended to this report;

2. BACKGROUND

Community Council Elections were scheduled to be held in October 2009 but due to the ongoing review of the Community Council Scheme of Establishment at that time, it was agreed that the term of office of all existing Community Councillors should be extended to Monday 4 October 2010 and that the elections should be postponed until October 2010, Article 11 of the minute of meeting of Angus Council of 17 September 2009 refers.

The draft revised Scheme for the Establishment of Community Councils was adopted by the Council on 11 February 2010 and arrangements now require to be made for the election of members to Community Councils when existing members' term of office expires on 4 October 2010. Elections to the 25 Community Councils will be based on the new boundaries which were approved as part of the Scheme.

The Head of Law & Administration is the designated Returning Officer for Community Council Elections as per the Council's Standing Orders.

3. PROPOSED ELECTORAL ARRANGEMENTS

Schedule 2 of the Scheme for the Establishment for Community Councils gives the responsibility for the arrangement of Community Council Elections to the Returning Officer for Community Council Elections. The 2010 Scheme of Electoral Arrangements for Community Council Elections sets out these arrangements and is attached at **Appendix 1** for information.

Candidates are now required to submit a personal statement of no more than 100 words with their nomination paper in order for it to be valid. Personal statements will be made available in ACCESS Offices, public libraries and on the dedicated Community Council Elections webpage on the Council's website. It is hoped that this will raise the profile of prospective candidates with the electorate in their Community Council area and encourage members of the public to become more involved with their Community Councils.

The Notice of Election will be published on Monday 6 September 2010 and nominations will close at 4.00 pm on Monday 27 September 2010.

If, after the close of nominations, a poll requires to be undertaken in any area the Returning Officer will make arrangements to conduct a traditional poll. Suitable venues in the area will be designated as polling stations and the Returning Officer will make use of Council buildings wherever possible.

Poll cards will not be issued for any contested election. However, the Returning Officer will undertake to raise the profile of the election in conjunction with the Local Community Planning Team and the Council's Public Relations Unit. It is also hoped that prospective candidates will assist in promoting the poll within their local area.

In previous years, the Returning Officer has requested the assistance of members in chairing the inaugural meetings of the newly formed Community Councils. However, with the establishment of Local Community Planning Teams and their ties with local communities, the Returning Officer has agreed to delegate this task to local Community Planning Officers to ensure that strong links can be formed with the newly established Community Councils as early as possible. Local members will be advised by the Returning Officer of the dates and times of inaugural meetings should they also wish to be in attendance.

4. FINANCIAL IMPLICATIONS

The financial implications cannot be quantified at this time, as the number of contested elections will not be known until after the time for receipt of withdrawals on Monday 4 October 2010. It is anticipated, however, that any expenditure will be contained within the miscellaneous services budget of £41,000.

5. HUMAN RIGHTS IMPLICATIONS

There are no human rights implications associated with the terms of this report.

6. EQUALITIES IMPLICATIONS

The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An [equalities impact assessment](#) is not required.

7. SINGLE OUTCOME AGREEMENT

- Citizens are involved in community life

8. CONSULTATION

The Chief Executive, Head of Finance and Head of Law and Administration have been consulted in the preparation of this report

**COLIN MCMAHON
DIRECTOR OF CORPORATE SERVICES**

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

L&A/SCH/SDC



COMMUNITY COUNCIL ELECTIONS 2010

SCHEME OF ELECTORAL ARRANGEMENTS

1. RETURNING OFFICER

- 1.1 The Returning Officer for Community Council elections will be the Head of Law & Administration as stipulated in the Council's Standing Orders.
- 1.2 The Returning Officer will be responsible for the resolution of any dispute arising from the election process, and her decision is final.
- 1.3 The Returning Officer will have power to appoint such staff as she considers necessary and appropriate to assist her in the conduct of her duties.

2. TIMETABLE

The proceedings at the election will be conducted in accordance with the following timetable of events:-

Date	Task
Monday 6 September 2010	Publication of Notice of Election
Monday 27 September 2010 (no later than 4.00pm)	Final date for the submission of nominations Final date for the submission of candidates personal statements
Monday 27 September 2010 (no later than 5.00pm)	Close of Electoral Register for Community Council elections
Monday 4 October 2010 (no later than 4.00pm)	Final date for the withdrawal of nominations
Tuesday 5 October to Friday 8 October 2010	Issue letters to candidates in uncontested areas confirming their election
Friday 8 October 2010	Publication of Notice of Poll for contested areas Publication of Notice of Uncontested Elections
Week commencing Monday 25 October 2010 (contested areas only)	Polling Hours as follows:- Monday 5.00 pm to 8.00 pm Wednesday 9.00 am to 12 noon Friday 5.00 pm to 8.00 pm Saturday 9.00 am to 12 noon
Saturday 30 October 2010 (no later than 12 noon) (contested areas only)	Close of Poll
Monday 1 November 2010 (contested areas only)	Counting of Votes Cast

3. ELECTORAL ARRANGEMENTS

- 3.1 An Electoral Register will be prepared by the Returning Officer for each Community Council area based on the current Electoral Register for local government elections.
- 3.2 Only those persons whose names appear on the Community Council Electoral Register on the date of its closure prior to an election will be eligible to vote in that election.

4. NOTICE OF ELECTION

- 4.1 The Returning Officer will publish a Notice of Election in at least one local newspaper and will display the notice in public offices in the area and on the Council's website.
- 4.2 The Notice of Election will indicate the times and locations from which a nomination paper can be obtained.

5. ELIGIBILITY

A person shall be eligible to stand for election to a Community Council if they have attained the age of 16 years, reside within the community council area and are named on the Electoral Register for the area for which they are nominated.

Any individual who is elected to serve on Angus Council, or a person appointed to a committee of Angus Council in terms of Section 57 of the Local Government (Scotland) Act 1973 or a person who is elected to serve on the Scottish, UK or European parliament shall be ineligible to stand for election or co-option to a Community Council.

6. NOMINATIONS

- 6.1 Each candidate will submit a separate nomination paper and this must be lodged with the Returning Officer, not later than 4.00pm on the final date for submission of nominations, as specified in paragraph 2 above.
- 6.2 The nomination paper will include:-
 - (a) the name and address of the candidate; and
 - (b) the candidate's consent to nomination.

And be signed by the candidate.

- 6.3 The nomination paper will require to be signed by a proposer and seconder, both of whom must appear on the current register of electors for the Community Council area for which the candidate is nominated.
- 6.4 All candidates **must** submit a personal statement of not more than 100 words in support of their candidacy. This must be lodged with the Returning Officer, no later than 4.00pm on the final date for submission of candidates' personal statements, as specified in paragraph 2 above.
- 6.5 The Returning Officer will be entitled to hold a nomination paper invalid if it does not comply with the requirements of paragraphs 6.1, 6.2, 6.3 and 6.4 above.
- 6.6 At close of nominations, the Returning Officer will advise all candidates of the nominations lodged within their area.

- 6.7 A candidate may withdraw his/her candidature by a notice of withdrawal signed by him/her and delivered to the Returning Officer at the place for the submission of nomination papers, not later than 4.00pm on the final date for the withdrawal of nominations, as specified in paragraph 2 above.

7. CANDIDATES' PERSONAL STATEMENTS

All candidates are required to submit a personal statement of not more than 100 words with their nomination paper, in support of their candidacy. Copies of all personal statements will be made available to electors in public libraries and on the Angus Council website as soon after the close of nominations as is permissible.

All material contained in the personal statements will be the sole responsibility of the individual candidate and neither the Returning Officer nor Angus Council will be responsible for the content. It will be the responsibility of the candidate to ensure that their personal statement does not contain any material which is political, obscene, defamatory or otherwise actionable.

The Returning Officer reserves the right to refrain from publishing any personal statement which is in breach of these rules.

8. UNCONTESTED ELECTIONS

If, after the expiry of the time for the withdrawal of nominations, the number of candidates remaining validly nominated is equal or exceeds HALF, but is less than or equal to the total maximum permitted membership as specified for the area, the candidates will be declared elected, and the Returning Officer will give intimation of the result in accordance with the procedure described in paragraph 17.

9. UNSUCCESSFUL ELECTIONS

Where the total number of valid nominations for election to any Community Council received by the Returning Officer is less than HALF of the total maximum permitted membership, as specified for the area, no Community Council will be established at that time. However, this does not prevent a request from 20 electors to the Council to make arrangements for the establishment of a Community Council under the terms of Section 52 (7) of the Local Government (Scotland) Act 1973.

10. CONTESTED ELECTIONS

If, after the expiry time for the withdrawal of nominations, the number of candidates remaining validly nominated exceeds the total maximum permitted membership as specified for the area, the arrangements for a poll shall be implemented.

11. ELECTORAL SYSTEM

For contested elections of Community Council members:-

- (a) The votes will be conducted by secret ballot.
- (b) The poll will be conducted in polling stations designated by the Returning Officer and the hours of poll will be as specified in paragraph 2. Where applicable, full details of the electoral arrangements will be contained in the Notice of Poll.
- (c) Ballot papers will contain the names and addresses of the candidates as shown on their nomination papers and will be arranged alphabetically in order of their

surnames, and, if there are two or more candidates with the same surname, of their other names.

- (d) Each elector will be entitled to cast a number of votes up to the number of prescribed vacancies for election, but will not give more than one vote to any one candidate and will not give an order of preference among candidates (although the recording of preferences would not in itself spoil an otherwise valid ballot paper).
- (e) The result will be determined by counting the votes given to each candidate and the candidates with the highest number of votes, equal to the number of prescribed vacancies, will be declared to have been elected.

12. NOTICE OF POLL

12.1 The Returning Officer will publish the Notice of Poll in at least one local newspaper and will display the notice in public offices in the area and on the Council's website.

12.2 The Notice of Poll will indicate the times and locations of where voting will take place.

13. COUNTING OF VOTES

13.1 The Returning Officer will make arrangements for the counting of votes and will notify the candidates of the time and place at which the Count will commence.

13.2 No person other than:-

- (a) the Returning Officer and her staff;
- (b) the candidates; or
- (c) any person representing a candidate who is not present,

may attend the counting of votes, unless expressly permitted by the Returning Officer.

13.3 A candidate or their representative may, if present when the counting of the votes is completed, request the Returning Officer to have the votes re-counted, but the Returning Officer may refuse to do so if in her opinion the request is unreasonable.

14. REQUIREMENT OF SECRECY

All persons involved in the election are required to maintain and aid in maintaining the secrecy of voting.

15. REJECTED BALLOT PAPERS

15.1 Any ballot paper:-

- (a) on which votes are given for more candidates than the prescribed number of vacancies;
- (b) on which anything is written or marked by which the voter can be identified;
- (c) which is want of an official mark; or
- (d) which is unmarked or null and void for uncertainty

will not be counted.

15.2 A ballot paper on which the vote(s) is/are marked:-

(a) elsewhere than in the proper place;

(b) otherwise than by means of a cross;

(c) by more than one mark, or where the voter has indicated an order of preference,

will not for such reason alone be deemed to be null and void.

15.3 The decision of the Returning Officer on any question arising in respect of a ballot paper will be final.

16. EQUALITY OF VOTES

Where, after the counting of votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the Returning Officer will decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

17. DECLARATION OF RESULTS

17.1 In a contested election, when the result of the poll has been determined, the Returning Officer will declare the candidates receiving the highest number of votes, equal to the number of available vacancies, to be elected. In an uncontested election, following the expiry of time for the withdrawal of nominations, the Returning Officer will declare the candidates remaining validly nominated to be elected.

17.2 As soon as practicable thereafter, the Returning Officer will give intimation of the results by displaying a notice to that effect in appropriate public offices and on the Council website.

Sheona C Hunter
Returning Officer