

**Local Government By-election
Ward 6 – Arbroath West, Letham
and Friockheim**

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Nominations for the Arbroath West, Letham and Friockheim by-election may be lodged with the Returning Officer at the **Election Office, Digital Reprographics Unit, Sylvie Way, Orchardbank Business Park, Forfar, DD8 1AY** between the hours of 10am and 4pm on any working day after the date of the publication of the Notice of Election by appointment only, but in any event no later than **4pm Thursday 21 March 2024.**

Electoral Commission guidance notes including information on candidates spending can be downloaded from the Electoral Commission website <https://www.electoralcommission.org.uk/our-guidance/candidate-or-agent/council-elections-scotland>

Local government by-election**Candidate checklist**

This checklist is designed to assist candidates standing in a local government by-election in Scotland in preparing to submit their nomination and should be read alongside the Electoral Commission's Guidance for candidates and Agents.

Task	Tick
Nomination paper	
Add your full name – surname in the first box and all other names in the second	
Optional - Use the commonly used name(s) boxes 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	
Add the full home address of the candidate	
You must be a British, Commonwealth, other European Union Citizen or a schedule 6A national and not require leave to 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). Complete in full the details for all the qualifications that you meet in the space provided within the relevant box(es).	
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 the Electoral Commission or take your own legal advice.	
Sign and date the document in the presence of another person	
Get the other person to complete and sign the witness section	
Certificate of authorisation (party candidates only)	
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 it is issued by the party Nominating Officer (or someone that they have authorised to issue it on their behalf)	
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	
Provide the Returning Officer with a copy of the emblem	
Appoint an election agent	
Give the name, address and office address of the appointed election agent	
Ensure the appointed agent signs the form showing their acceptance	

LG1

	Date received	Time received	Initials	No.
Office Use only				

Local government by-election

Nomination paper

ELECTION OF A COUNCILLOR for			
electoral ward:	Arbroath West, Letham & Friockheim		
of	Angus	Council	
Day and date of election	Thursday 25 April 2024		

I, the undersigned, am hereby nominated as a candidate at the said election.

Candidate's Details

Candidate's surname	
Other names in full	
Commonly used surname (if any) (see Note 6 below)	
Commonly used forenames (if any) (see Note 6 below)	
Description (if any) (see Note 6 below)	
Home address in full	

I, the nominee for election, consent to being nominated as a candidate for the		
electoral ward:	Arbroath West, Letham & Friockheim	
Of	ANGUS	Council
I declare that I am qualified to be elected, that I have attained the age of 18 years and am a qualifying Commonwealth citizen or a citizen of the Irish Republic or a qualifying foreign national or a schedule 6A national; that I am not subject to any legal incapacity; and that in terms of Section 29 of the Local Government (Scotland) Act 1973:		
*a. I am registered as a local government elector for the local government area named above as in the register of electors in respect of the following address (give qualifying address in full):		
and my electoral number (see Note 5 below) is:		

and / or	*b. I have during the whole of the 12 months preceding the day of nomination occupied as owner or tenant land or premises at the following address(es) (give description and address(es) of land or premises):
and / or	*c. I have during the 12 months preceding the day of my nomination had my principal or only place of work at the following address(es) (give address(es) of place of work and, where appropriate, name of employer):
and / or	*d. I have during the whole of the 12 months preceding my nomination resided at the following address(es) (give address(es) in full):
I declare that	
<p>a. I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of any of the disqualifications in Section 31 of the Local Government (Scotland) Act 1973, a copy of which is printed overleaf;</p> <p>b. I am not disqualified for election by reason of holding a politically restricted post in terms of Section 1(1) of the Local Government and Housing Act 1989, under a local authority within the meaning of Part 1 of that Act; and</p> <p>c. I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of having received a severance payment within the meaning of Section 12 of the Local Governance (Scotland) Act 2004; and</p> <p>d. I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of any sanction imposed by the Standards Commission for Scotland in terms of Section 19(1)(d) of the Ethical Standards in Public Life etc. (Scotland) Act 2000</p>	
Candidate's signature	
Date	
Witness: I confirm the above-mentioned candidate signed the declaration in my presence.	
Witness's signature:	
Witness (name in full):	
of (address in full):	
Date	

Deliver to the **Returning Officer** by no later than **4pm** on **Thursday 21 March 2024**

A candidate who is qualified by more than one qualification may complete all of those that may apply.

* Delete where inapplicable

Notes

1. The attention of candidates and local government electors is drawn to the rules for completing nomination papers and other provisions relating to the nominations contained in the local government election rules contained in Schedule 1 to the Scottish Local Government Elections Order 2011.
2. Where a candidate is commonly known by some title they may be described by their title as if it were their surname.
3. If a candidate's nomination paper gives a commonly used surname or forename in addition to or instead of another name the nomination paper may state the commonly used forename or surname in addition to or instead of the other name.
4. But in terms of rule 14(7) and (8) the ballot paper will not show the other name if the Returning Officer thinks:
 - (a) that the use of the commonly used name may be likely to mislead or confuse electors; or
 - (b) that the commonly used name is obscene or offensive.
5. A person's electoral number consists of the distinctive letter or letters (or number or numbers) of the polling district in which the candidate is registered together with the number in the register to be used at the election, except that before publication of the register the distinctive letter or letters (or number or numbers) of the polling district in which the candidate is entitled to be registered together with the number (if any) in the electors lists for that register shall be used instead.
6. Description (if any) and commonly used surname / forename (if any) must be read in terms of rule 4 of the election rules. See the Electoral Commission's [Guidance for candidates and agents](#) for full details.

Local Government (Scotland) Act 1973: Disqualifications

31 – Disqualifications for nomination, election and holding office as member of local authority

(1) Subject to subsections (2) and (3) below, a person shall be disqualified for being nominated as a candidate for elections as, or for being elected, or for being a member of a local authority if –

- (a) *[This has been removed and no longer applies]*
- (b) he is a person whose estate has been sequestrated by a court in Scotland or who has been adjudged bankrupt elsewhere than in Scotland; or
- (ba) he is subject to a bankruptcy restrictions order;
- (c) he has, within five years before the day of nomination, or election or since his election, as the case may be, been convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic 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
- (d) he is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983.

(1A) A person is disqualified for being a member of a joint board if he or a partner of his holds any paid office or employment (other than the office of convener or depute convener of the board_ or other place of profit in the gift or disposal of the board.

(2) Where a person is disqualified under subsection (1) by reason of his estate having been sequestrated, the disqualification shall cease if and when –

- (a) the sequestration of his estate is recalled or reduced; or
- (b) he is discharged under or by virtue of the Bankruptcy (Scotland) Act 2016.

(3) Where a person is disqualified under subsection (1) above by reason of having been adjudged bankrupt, then –

- (a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the date of the annulment;
- (b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, the disqualification shall cease on the date of his discharge; and
- (c) if he is discharged without such a certificate, his disqualification shall cease on the expiration of five years from the date of his discharge.

(3A) A person who is for the time being an officer or employee of the Strathclyde Passenger Transport Authority or an employee of a subsidiary of that Authority shall be disqualified for being appointed or for being a member of the Strathclyde Passenger Transport Authority.

(3B) In subsection (1)(ba) above, “bankruptcy restrictions order” means –

- (a) a bankruptcy restrictions order made under section 56A of the Bankruptcy (Scotland) Act 1985);
- (b) [Repealed];
- (c) a bankruptcy restrictions order made under paragraph 1 of Schedule 4A

to the Insolvency Act 1986; or
(d) a bankruptcy restrictions undertaking entered into under paragraph 7 of that Schedule.

[The following section refers to candidates who are elected. Holders of posts mentioned in this section, except those in subsection (6), are not disqualified from standing for election, but must resign in compliance with this section]

31A – Disqualification of officers, employees etc. from remaining members of local authority

(1) A person elected a member of a local authority who is the holder of any paid office or employment or other place of profit in the gift or disposal of the authority is disqualified from remaining a member of the authority after the relevant day unless the person complies with subsection (2) below.

(2) A person complies with this subsection by resigning, not later than the relevant day, from that office, employment or, as the case may be, other place of profit.

(3) A resignation effected in pursuance of subsection (2) above terminates the holding of the office, employment or other place of profit with immediate effect notwithstanding any contrary provision in the terms and conditions under which the office, employment or place of profit is held.

(4) In this section the relevant day is the day first occurring after that on which the person elected a member of the local authority was, under the local elections rules, declared to be so elected (no account being taken of a day which is a Saturday or Sunday or Christmas Eve, Easter Monday, or a bank holiday in Scotland under the Banking and Financial Dealings Act 1971 or a day appointed for public thanksgiving or mourning in Scotland).

(5) In subsection (4) above, the “local elections rules” means an order made under section 3(1) of the Local Government (Scotland) Act 2004.

(6) This section does not affect section 1 (disqualification and political restriction of certain local government officers and staff) of the Local Government and Housing Act 1989.

Local Government and Housing Act 1989: Political restrictions of officers and staff

1 – Disqualification and political restriction of certain officers and staff

- (1) A person shall be disqualified from becoming (whether by election or otherwise) or remaining a member of a local authority if he holds a politically restricted post under that local authority or any other local authority in Great Britain.

Local Governance (Scotland) Act 2004: Membership of local authorities etc

12 – Severance payments for councillors

- (1) The Scottish Ministers may, by regulations, provide for the making by local authorities of payments (“severance payments”) to persons who—
 - (a) were, immediately prior to the date of an ordinary election, members of local authorities,
 - (b) were not candidates to be councillor at that election, and
 - (c) meet such other criteria as may be specified in the regulations.
- (2) Those regulations may include provision as to—
 - (a) the amounts of severance payments and the methods of calculating those amounts,
 - (b) the procedure for applying for severance payments and for dealing with such applications.
- (3) Where the Scottish Ministers have made a requirement under subsection (2) of section 13 in relation to a matter specified in subsection (3)(b) of that section they shall, before making regulations under subsection (1) of this section, consider any information, advice or recommendations given to them by the Scottish Local Authorities Remuneration Committee in response to the requirement.
- (4) In section 29 (qualifications for nomination, election and holding office as member of local authority) of the 1973 Act, after subsection (1) insert—

“(1A)A person who has received a severance payment (within the meaning of section 12 of the Local Governance (Scotland) Act 2004 (asp 9)) shall not be so qualified.”

Ethical Standards in Public Life etc. (Scotland) Act 2000: Enforcement

19 – Action on finding of contravention

- (1) Where the members of the Commission conducting a hearing find that a councillor has contravened the councillors' code or a member of a devolved public body the members' code, they shall impose one of the following sanctions—
 - (a) censuring, but otherwise taking no action against, the councillor or member;
 - (b) suspending, for a period not exceeding one year, the councillor's or member's entitlement to attend one or more but not all of the following—
 - (i) all meetings of the council or body;
 - (ii) all meetings of one or more committees or sub-committees of the council or body;
 - (iii) all meetings of any other body on which the councillor or member is a representative or nominee of the council or body;
 - (c) suspending, for a period not exceeding one year, the councillor's or member's entitlement to attend meetings of the council or body and of any committee or sub-committee thereof and a councillor or member is a representative or
 - (d) in the case of a councillor, disqualifying the councillor for a period not exceeding five years, from being, or from being nominated for election as, or from being elected, a councillor;
 - (e) in the case of a member of a devolved public body, removing the member from membership of the body and disqualifying the member, for a period not exceeding five years, from membership of the body.
- (2) A period of suspension imposed under subsection (1)(b) or (c) above which would continue until or after the day of the next following ordinary election of councillors shall end at the beginning of that day.
- (3) Disqualification imposed under subsection (1)(d) above—
 - (a) has the effect of vacating the councillor's office; and
 - (b) extends to the councillor's membership of committees and sub-committees of the council of which the councillor was a member and any joint committee, joint board or other body on which the councillor is a representative or nominee of the council.
- (4) Where the members of the Commission disqualify, under subsection (1)(d) above, a councillor who is also a member of a devolved public body otherwise than as a representative or nominee of the council, they may also, in respect of that membership, remove and disqualify that person under subsection (1)(e) above
- (5) The members of the Commission, on removing and disqualifying a member of a devolved public body under subsection (1)(e) above, may—
 - (a) where the member is a councillor, disqualify that person under subsection (1)(d) above;
 - (b) direct that the removal from membership and disqualification apply also in respect of any other devolved public body of which the member is a member;

(c) [S.19 5(C) and preceding word repealed].

- (6) The members of the Commission may, on imposing a suspension under subsection (1)(b) or (c) above on a member of a devolved public body, direct that any remuneration or allowance deriving from membership of the body that would be payable to the member be not paid or be reduced as they direct.
- (7) The powers to remove and disqualify a person from membership of a devolved public body under subsections (4) and (5)(b) above are exercisable as respects that body only after the members' code applicable to that body first has effect.
- (8) The Commission shall, after consulting such association of local authorities and any such other bodies or persons as it thinks fit, issue guidance to councils on the extent to which a councillor should engage in activities (other than those mentioned in subsection (1)(c) above) which are, or may be perceived to be, the activities of a councillor during a period of suspension.

LG2

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Local government by-election

Home Address Form

Ward:	Arbroath West, Letham and Friockheim	Date of election:	25/04/24
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You must complete Part 1 and Part 2. Only sign Part 2 if you wish for your home address to be made public.

Part 1:

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 a registered local government elector for the area of local government named above		
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b. I have during the whole of the preceding 12 months occupied as owner or tenant land or other premises in the local government area named above		
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c. My principal or only place of work during the preceding 12 months has been in the local government area named above.		
---	--	--

d. I have during the whole of the preceding 12 months resided in the local government area named above.		
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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

Note: This part 2 of the home address form must be submitted as part of your nomination papers

If you **DO NOT** wish for your home address to be made public you **MUST** indicate in which relevant area your home address is situated, but you do not need to sign this form. 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 notice of poll and the ballot paper, but your home address will not.

The relevant area my home address is situated in:	(insert name of relevant area) ¹
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OR	
My home address is situated outside the UK. My home address is situated in:	(insert name of country)
OR you can request that your home address is made public; your address will then appear on the notice of poll and the ballot paper.	
Statement: I require my home address to be made public, I understand that the address will appear on the notice of poll and the ballot paper (put an X in the box to the right and sign in the box below)	
Signature of candidate (only required where the statement above requiring home address to be made public has been completed)	
Candidate's signature:	
Date:	

This form must be delivered to the Returning Officer with the nomination paper by no later than 4pm on Thursday 21 March 2024.

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 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
- **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

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

Office Use only	Date received	Time received	Initials	No.

Local government by-election

Certificate of authorisation

To accompany the nomination of a candidate standing **on behalf of a registered political party**. Candidates standing on behalf of two or more parties require a certificate from each party and each must allow the registered joint description to be used. This certificate must be authorised by the registered Nominating Officer of the party or by a person authorised to sign on their behalf.

The Nominating Officer can authorise the candidate to use either the name of the party or a particular description registered with the Electoral Commission, or to use 'any registered description or the party name as registered with the Electoral Commission'. Party names and registered descriptions are listed on the Electoral Commission website (<https://pefonline.electoralcommission.org.uk>).

Details of candidate to be authorised and the allowed description/party name

Ward:	Arbroath West, Letham and Friockheim	Date of election:	25/04/24
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I hereby certify that

The candidate (name in full):	
Is authorised to stand for:	*Name of political party registered with the Electoral Commission
The candidate may include the following registered description/party name in their nomination paper:	

Note: It is an offence to make a false declaration. The maximum penalty is one year's imprisonment.

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 for candidates standing on behalf of a political party to the **Returning Officer** by no later than **4pm** on **Thursday 21 March 2024**.

Office Use only	Date received	Time received	Initials	No.

Local government by-election

Request for a party emblem

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

The registered emblems of a political party can be found on the Commission's website at <https://pefonline.electoralcommission.org.uk>.

This form must be signed by the candidate.

Candidate's request for use of an emblem			
Ward:	Arbroath West, Letham & Friockheim	Date of election:	25/04/2024
Candidate's 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 Electoral Commission website):			
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 **Thursday 21 March 2024**

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.

LG5

	Date received	Time received	Initials	No.
Office Use only				

Local government by-election

Notification of election agent

Ward:	Arbroath West, Letham and Friockheim	Date of election:	25/04/24
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Candidate's notification of their election agent

I, (Candidate's 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 other documents may be sent is:

Agent's office address in full:

Candidate's signature (or of a 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:

Deliver to the **Returning Officer** by **4pm** on **Thursday 21 March 2024**.

LG6

Local government by-election

Notice of withdrawal

For use by a candidate nominated for a local government by-election in Scotland.

Election of a councillor for:	
electoral ward	Arbroath West, Letham and Friockheim
of	Angus Council
Date of election:	25 April 2024

To be completed by candidates withdrawing their nomination and delivered to the Returning Officer at the place fixed for the delivery of nomination papers by **4pm** on **Thursday 21 March 2024**. If the candidate is outside the United Kingdom please contact the Returning Officer.

I (candidate's name)	
of (address of candidate)	
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	
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Section 2 – to be completed by witness

Signature of witness		Date	
Print name of witness (in BLOCK CAPITALS)			

For official use only

Lodged _____ (date) _____ (time) _____

Name and address of polling agent (include postcode)	List of polling stations to which they are appointed

LG7B

Local government by-election

Appointment of counting agents

Counting agents may be appointed using this form by the candidate. It must be delivered to the **Returning Officer** by no later than **Thursday 18 April 2024**. The maximum number of counting agents that may be appointed is decided by the Returning Officer.

Local authority:	ANGUS
Name of ward:	ARBROATH WEST, LETHAM AND FRIOCKHEIM
Name of candidate:	
Signature of candidate or election agent:	

I appoint the following people as counting agents:

Name of counting agent	Full address of counting agent (including postcode)

The following person listed below will also be in attendance at the Count as the Candidate's Guest:

Name	Full address (including postcode)

Request for electoral register

Name of Ward	Arbroath West, Letham and Friockheim	Date of election	25 April 2024
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This form must be submitted to the **Electoral Registration Officer**, William Wallace House, Orchardbank Business Park, Forfar. This form must be completed by the candidate.

Declaration of candidacy and confirmation of legal use of electoral register information	
Name of Candidate	
<p>I declare that I am a candidate at the above named election. I will use my copy of the elec register for electoral purposes and checking the validity of donations only. I will only allow others who are assisting me in my campaign to use my copy of the electoral register for the same purposes only. I understand that any use other than electoral or donation checking purposes is illegal with a maximum fine of £5,000. My request is for the register as at the last date for notice of election and any revisions or notices of amendment while I am a candidate.</p>	
Signed (Candidate)	

Delivery details	
My application is for the electoral register in (tick one box only):	
Paper format	<input type="checkbox"/>
Data format	<input type="checkbox"/>
Delivery address:	

Contact details (in case of query)	
Telephone	
Mobile	
Email	

This electoral register can only be supplied, at the earliest, on the last date allowed for the notice of election to be published.

LG9**Request for absent vote list****Name of Ward****Arbroath West, Letham and Friockheim****Date of
election****25 April 2024**

This form must be sent to the **Electoral Registration Officer**, William Wallace House, Orchardbank Business Park, Forfar. This form must be completed by the candidate.

Declaration of candidacy and confirmation of legal use of absent vote list information

Name of Candidate

I declare that I am a candidate at the above named election. I will use my copy of the absent vote list (postal and/or proxy voters list) for **electoral purposes only**. I will only allow others who are assisting me in my campaign to use my copy of this data for the same purposes only. I understand that any use other than electoral purposes is illegal with a maximum **fine of £5,000**.

Signed (Candidate)

Application and delivery details

My application is for the absent vote list in (you may tick as many boxes that you wish):

The current list of postal voters

The current list of proxy voters

The final list of postal voters

The final list of proxy voters

Please supply the data in (please tick one box only):

Paper format

Data format

Delivery address:

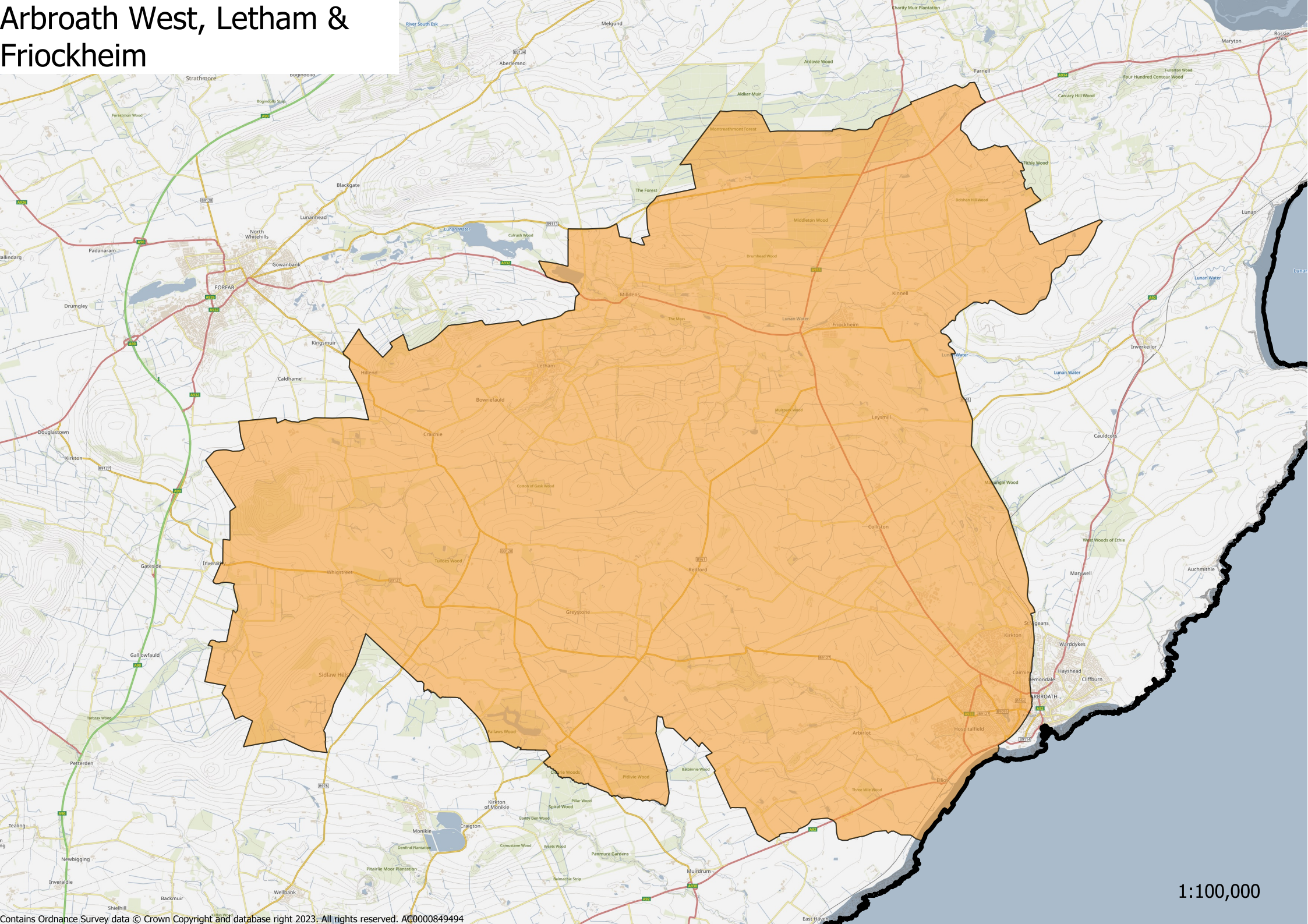
Contact details (in case of query)

Telephone

Mobile

Email

Arbroath West, Letham & Frioekheim



Notification of secrecy requirements

Rule 27, Scottish Local Government Elections Rules 2011

(1) The following persons attending at a polling station, namely—

- (a) a returning officer or a member of staff of a returning officer;
- (b) a presiding officer or clerk;
- (c) a candidate;
- (d) an election agent;
- (e) a polling agent;
- (f) a person attending by virtue of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 (representatives of the Electoral Commission and accredited observers),

shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed the information described in paragraph (2).

(2) The information referred to in paragraph (1) is any information as to—

- (a) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
- (b) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
- (c) the official mark being used in accordance with rule 16(1).

(3) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—

- (a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;
- (b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.

(4) No person shall—

- (a) interfere with or attempt to interfere with a voter when the voter is recording the voter's vote;
- (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
- (c) communicate at any time to any person any information obtained in a polling station as to the candidate or candidates for whom a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of a ballot paper given to a voter at that station; or
- (d) directly or indirectly induce a voter to display a ballot paper after the voter has marked it so as to make known to any person the name of the candidate or candidates for whom the voter has or has not voted.

(5) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of voting and shall not—

- (a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark;

- (b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of any ballot paper sent to any person;
- (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper; or
- (d) attempt to ascertain at the proceedings in connection with the receipt of ballot papers the name of the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.

(6) No person having undertaken to assist a voter with disabilities to vote shall communicate at any time to any person any information as to the name of the candidate or candidates for whom that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of a ballot paper given for the use of that voter.

(7) No person may publish before the close of the poll—

- (a) any statement relating to the way in which voters have voted in the poll where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted; or
- (b) any forecast or estimate as to the result of the election which is (or might reasonably be taken to be) based on information so given.

(8) If a person acts in contravention of this rule that person shall be liable on summary conviction to a fine not exceeding the amount specified as level 5 on the standard scale or to imprisonment for a term not exceeding three months.

(9) In this rule—

- (a) a voter with disabilities is a voter who has made a declaration under rule 35 that the voter is so incapacitated by blindness or other disability or by inability to read, as to be unable to vote without assistance;
- (b) "publish" means make available to the public at large (or any section of the public), in whatever form and by whatever means; and
- (c) the reference to the result of the election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election are concerned.

(10) The returning officer shall make such arrangements as are reasonably practicable to ensure that every person attending a polling station and every person attending at the counting of the votes has been given a copy of these provisions.

(11) But these arrangements shall not apply to—

- (a) a person attending the polling station for the purpose of voting;
- (b) a person under the age of 18 years of age accompanying a voter;
- (c) a person assisting a voter with disabilities to vote; or
- (d) a constable on duty at a polling station or at the count.

Arrangements in Force at the Poll

At elections in Angus the following local arrangements will apply:

1. Entitlement to attend the polling station

Candidates and their election agents are entitled to visit any polling station in the ward, in which they are standing on polling day; polling agents may also attend at the polling station(s) for which they have been appointed. Those attending must have received notification, in writing, of the requirement of secrecy, and must hold the appropriate admission letter from the Returning Officer otherwise admission to the polling station will not be permitted.

Attendees **must show** their admission letter if requested to do so by a member of the polling station staff.

The following people are entitled to attend the polling station: -

- voters
- persons under the age of 16 who accompany voters to the polling station
- candidates and their election agents
- polling agents appointed to attend at the polling station
- clerks appointed to attend at the polling station
- constables on duty
- companions of voters with disabilities
- Returning Officer and members of their team
- persons entitled to attend from the Electoral Commission; and
- accredited observers

It is a Presiding Officer's duty to keep order at their polling station. Anyone attending a polling station **must** always comply with the instructions given by a Presiding Officer.

Failure to comply with a Presiding Officer's legal request will result in immediate removal from the polling station and if removed shall not, without the Presiding Officer's permission, re-enter the polling station that day.

Larger multi-stationed polling places will have a No1 Presiding Officer in overall charge. Their main duties will include managing the flow of electors, dealing with enquires from electors, candidates and agents and accepting postal votes handed in at the polling place.

2. Queuing

There is the potential for small queues to build up at busy times during the day. Presiding Officers will be monitoring the entrance to the polling place and managing the flow of electors. Any queues will be dealt with as quickly as possible but will depend on the maximum number of electors who can be accommodated in the polling place safely at any one time. At these times there may be a short wait before you can enter the polling place and you are asked to be patient as the staff work as quickly as they can to reduce the queue.

3. What does a polling agent do?

Polling agents play an important role on polling day. They can:

- observe the Presiding Officer showing the empty ballot box prior to sealing.
- detect personation and prevent people from voting more than once at the same election (other than proxies).
- report any improper occurrences to the candidate or their election agent.
- be present when the Presiding Officer marks a ballot paper at the request of an elector who needs assistance.
- be present at the close of poll when the various packets of documents are sealed; and
- attach their seal to any packets made up by the Presiding Officer at the close of poll, including the ballot box.

Any number of people may be appointed as a polling agent to attend a particular polling station, although only one polling agent on behalf of each candidate will be allowed into a particular polling station at the same time. A person may be appointed as a polling agent for more than one polling station.

Polling agents must maintain the secrecy of the ballot and therefore should not communicate to anyone outside the polling place the name or elector number of person(s) who have or have not voted or the number of other unique identifying mark on the ballot paper. Polling agents who are marking their own copy of the register of electors should not remove it from the polling station until after the close of poll to ensure that secrecy requirements are not breached. Any person found guilty of breaching the secrecy requirements can face a fine of up to £5,000 or may be imprisoned.

Polling agents **must not** stand in doorways or passages leading to polling stations which may obstruct voters from entering or leaving the polling place. Polling agents must liaise with Presiding Officers, where necessary to agree an area in the polling station where they can undertake the above duties.

In respect of polling agents wearing rosettes inside the polling place, the Returning Officer has no objection to this if they are plain and do not refer to a specific candidate or registered political party. Please note that polling agents must not wear, carry, or display any headwear, footwear or other apparel that carries any writing, picture or sign relating to any candidate or party apart from a plain rosette whilst inside the polling place. The Presiding Officer will ask for any such items to be removed with immediate effect.

An election agent can do any of the things that a polling agent is authorised to do. However, just because a polling agent is entitled to witness various aspects of the polling procedure, the procedure is not invalidated if they have not witnessed it.

4. Display of election material

Election material is not permitted to be displayed inside the boundary of any polling place or to be fixed to the perimeter wall surrounding the premises. There is no objection to display boards being placed against the outside boundary walls or railings of the polling place to face outwards to the street, but such boards must not be allowed to obstruct the pavements or gateways. In keeping with the longstanding approach in Angus, there has been no objection to posters being attached to the outside of railings at polling places on polling day where displaying them on the pavement might cause

an obstruction. It should be noted, however, that this is a matter for the discretion of the Presiding Officer at each location and that the Presiding Officer may deem it inappropriate to adhere to this general approach in a particular location.

All election material, including any bills, placards, and posters in connection with the election must not be displayed on any property without the prior approval of the owner of that property. To affix bills, posters or advertisements to property without the approval of the owner is a contravention of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 which renders any person who so displays advertising material liable on summary conviction to a fine not exceeding £1000.

Angus Council has not given permission to any individual candidate or political party for the display of election material on their properties and this ban applies particularly to the display of election material on lamp standards and road signs and grass verges. When notified of any offending material, the Returning Officer will contact the relevant candidate or political party instructing that the material be removed and failure to do so may result in the candidate or political party being charged for its removal.

All election bills, posters and adverts placed with the property owner's consent **must be** removed within 14 days after the election.

The removal or relocation of any party or candidate election material by any other party, candidate or their agents is prohibited and will be looked upon very seriously by the Returning Officer.

5. Campaigning on polling day

Campaigning is **not permitted** within a polling station or polling place. Presiding Officers must ensure that electors can quietly and privately cast their vote free of any intimidation and provide a space where the secrecy of the ballot will be respected. Electors should be able to enter the surrounding area in the same manner.

The Presiding Officer has the Returning Officer's permission to remove or relocate any campaign material which does not comply with point 4 above.

6. Candidates Wearing of Rosettes

Candidates may enter a polling place wearing a campaign rosette however if they remain in the polling place for longer than 5 minutes then the Presiding Officer will request them to remove this for the remainder of their visit.

7. Signs and Notices

The Presiding Officer will ensure that notices are displayed giving directions for the guidance of voters inside and outside the polling station. A notice giving information for voters will be displayed in each compartment of the polling booth.

A large sample copy of the ballot paper will be displayed inside the polling station and an enlarged hand-held copy marked 'sample' will also be available in the polling station.

No posters or other material that might be construed as supporting the views of any candidate or political party involved in this election should be displayed in or on the premises. If any such materials are found, they will be removed or covered up.

8. Tellers

Tellers may be present outside the polling place but must not obstruct entrances to the buildings where polling is taking place. Voters who have entered the precincts of the polling place must not be interrupted on their way to vote. Tellers will usually be excluded from the precincts of the building e.g. in a school they should be outside the playground, although, where voters are permitted to use the playground for parking their cars, Tellers may be allowed, at the discretion of the Presiding Officer, to take up station outside the school entrance. **Under no circumstances** will Tellers be permitted to take up station within the building in which polling is taking place.

Anyone campaigning outside the polling place should be encouraged to keep a safe distance from each other and when interacting with voters. Tellers may approach voters for information as they enter or leave the polling place but should maintain a safe distance as they do so, and they should also ensure that voters can enter or leave the polling station safely and not impede, obstruct or intimidate voters in any way.

Tellers may find that areas where they have previously been stationed at polling places may have changed for this election to support safe distancing and they should adhere to any instructions given by the Presiding Officer in this regard.

Tellers must not:

- Be able to see or hear what is happening inside the polling station.
- Impede, obstruct, or intimidate voters on their way in or out of the polling station/place.
- Demand any information relating to a voter's elector number, name, or address.
- Ask voters to re-enter the polling station to ascertain their elector number.
- Have discussions with voters that may give rise to allegations of undue influence (e.g. voting intentions or party affiliations).
- Display any campaign material in support of or against any political party or candidate other than a rosette or badge.

Tellers may display a coloured rosette or badge displaying the name of the candidate or party and/or emblem or description, as this assists electors by making it clear that they are campaign workers and not electoral officials. The rosette/badge should not bear a slogan or be oversized.

The Electoral Commission has prepared [Guidance on the conduct of tellers in and around polling places](#) and a [Tellers do's and don'ts](#) which are available to download from the Electoral Commission website. It is an election agent's responsibility to ensure that anyone employed as a teller at this election is given a copy of this guidance.

9. Photography

Photography of any kind (including photos taken on mobile phones) is not permitted in any polling station.

10. Cars

There should be no long-term parking of vehicles used for campaign purposes, for example displaying election materials or using loudspeakers, immediately outside the entrances or within a reasonable distance of the entrance to a polling place. The Presiding Officer in overall charge of the polling place will have discretion where local conditions give rise to doubt.

11. Disabled Voters

Disabled voters may request the assistance of the Presiding Officer to mark the ballot paper for them. Alternatively, they may be assisted by a companion, with the permission of the Presiding Officer who must be satisfied that the voter's disabilities would prevent them from casting their vote unaided. The companion of a disabled voter will be required to complete a written declaration and must be either a close relative (spouse, civil partner, parent, grandparent, brother, sister, child, or grandchild – if they are aged 16 years or over) or a qualified elector.

12. Voting Information

While there is no specific entitlement to agents to be informed of the numbers of persons who have voted, it will be permissible for Presiding Officers to give agents a note of the **actual number** of persons who have voted from time to time throughout the day. Information as to whether or not a particular person has or has not voted **shall not** be given although such information may be necessary in a case where an agent has raised a question of personation. At larger multi-stationed polling places, the No1 Presiding Officer will be responsible for fulfilling any such request.

Requests **will only** be fulfilled if it does not interfere with official duties.

13. Observers

Representatives of the Electoral Commission and accredited observers appointed by the Electoral Commission are entitled to observe various electoral procedures relating to the election including attending in the polling station before, during and after polling hours. It is likely that there will be a number of observers out and about in Angus on the day of poll.

Observers must display identification provided by the Commission and must present it to election officials when requested. Observers must ensure that their identification badge is always visible while observing.

Both Commission representatives and accredited observers agree to abide by a Code of Conduct, which includes an agreement that they will not interfere with any proceedings. Presiding Officers may ask observers (but not Commission representatives) to leave the polling station, but only if they are:

- Breaching or attempting to breach the secrecy of the ballot
- Knowingly obstructing the polling process
- Asking voters about their voting preferences

If an observer is removed from the polling station, the Presiding Officer must provide a note to the observer stating the reasons why they have been removed. Presiding Officers should also record any such incidents and notify the Returning Officer as soon as

possible.

Any observer removed in the circumstances above is not entitled to re-enter the polling station for the remainder of the poll.

In the case of overcrowding, Presiding Officers are entitled to limit the number of accredited observers (but not Commission representatives) present inside a polling station at the same time. Where it proves necessary to limit the number of observers, it is suggested that this should be for a specified time, such as for 30 or 60 minutes. However, it is important to note that no officer is entitled to bar all observers from the entire process, only to limit the number of observers present at any one time. When such action is taken, this should be recorded in a polling station log.

Presiding Officers will record the details of any accredited observers or Commission representatives who attend at their polling station.

Electoral observation is a legitimate and valuable part of the electoral process, and care should be taken not to hinder or obstruct the conduct of the observation.

14. Conduct of the Poll

Any matters relating to the conduct of the poll should be referred to the Manager – Democratic, Member Services & Elections in the first instance. T: 01307 491985 or 491781
E: elections@angus.gov.uk.

**Printed and Published by Kathryn Lindsay, Returning Officer,
Election Office, Digital Reprographics Unit, Sylvie Way, Orchardbank Business Park, Forfar,
DD8 1AY**

For information about how to complete this return, read the explanatory notes available on our website

Enter identification mark as on candidate's declaration

Return of candidate election expenditure: Council elections in Scotland

Section 1 – Details of candidate and election

Electoral Area

Local Authority

Electorate

Date you became a candidate

Date of election

Date election result declared

Candidate name

Registered party (if applicable)

Spending limit

Section 2 – Details of election agent

Agent's name

Date election agent appointed

Mark box as appropriate:

I am the agent responsible for delivering this return of candidate election expenses under Part II of the Representation of the People Act 1983

I am the person named as candidate at this election, and was my own election agent. I am responsible for delivering this return of candidate election expenses under Part II of the Representation of the People Act 1983

Signature of agent:

Date:

Section 3a Types of payment

Manner of payment	£.pp/Nil
Unpaid claims	
Disputed claims	
Value of notional spending	
Payments made	
Total	

Section 3b Categories of spending

Purpose	£.pp/Nil
A. Advertising	
B. Unsolicited material to electors	
C. Transport	
D. Public meetings	
E. Agent and other staff costs	
F. Accommodation and administration	
Total	

Total spending for 3a should equal the total spending for 3b. If they are not equal then check you have completed the worksheets on unpaid and disputed claims. If you have no spending to report for a particular category, you do not need to complete the worksheet, but you must enter 0 (zero) for the relevant category in the tables.

Section 4 – Statement of all personal expenses incurred

Please provide details of personal expenditure on the worksheet labelled 'Personal expenses'.

Personal expenses are the reasonable travel and living expenses of the candidate for the purpose of campaigning in the election. Personal expenses do not count against the candidate's limit and they should not duplicate anything already declared as election spending under section 3.

The total amount of personal expenses

Section 5 – Donations

Total value of permissible donations

Total value of impermissible donations

Amount (if any) provided by the candidate to meet election expenditure

Submit this return to the relevant Returning Officer within 35 days after the declaration of the result.

It must be accompanied by a separate declaration signed by the election agent verifying this return.

Within seven working days of submitting this return, the candidate must also submit a signed declaration verifying this return.

Privacy Statement

Revised data protection legislation applies from 25 May 2018 and will apply to the processing of all personal data.

Please contact the Information Commissioner's Office for further information about how the General Data Protection Regulation affects you.

A: Advertising										
Item No	Receipt/ Invoice (Y/N)	Item/ Service	Name and address of supplier (unless on invoice/receipt)	Name of person who made payment	Date expense incurred	Date receipt received	Date paid	Value £	Amount Paid (if different from value) £	Disputed/ Unpaid? (Y/N)
Sub-total										

B: Unsolicited material to electors										
Item No	Receipt/ Invoice (Y/N)	Item/ Service	Name and address of supplier (unless on invoice/receipt)	Name of person who made payment	Date expense incurred	Date receipt received	Date paid	Value £	Amount Paid (if different from value) £	Disputed/ Unpaid? (Y/N)
Sub-total										

C: Transport										
Item No	Receipt/ Invoice (Y/N)	Item/ Service	Name and address of supplier (unless on invoice/receipt)	Name of person who made payment	Date expense incurred	Date receipt received	Date paid	Value £	Amount Paid (if different from value) £	Disputed/ Unpaid? (Y/N)
Sub-total										

D: Public Meetings										
Item No	Receipt/ Invoice (Y/N)	Item/ Service	Name and address of supplier (unless on invoice/receipt)	Name of person who made payment	Date expense incurred	Date receipt received	Date paid	Value £	Amount Paid (if different from value) £	Disputed/ Unpaid? (Y/N)
Sub-total										

E: Agent and other staff costs										
Item No	Receipt/ Invoice (Y/N)	Item/ Service	Name and address of supplier (unless on invoice/receipt)	Name of person who made payment	Date expense incurred	Date receipt received	Date paid	Value £	Amount Paid (if different from value) £	Disputed/ Unpaid? (Y/N)
Sub-total										

F: Accomodation and administration										
Item No	Receipt/ Invoice (Y/N)	Item/ Service	Name and address of supplier (unless on invoice/receipt)	Name of person who made payment	Date expense incurred	Date receipt received	Date paid	Value £	Amount Paid (if different from value) £	Disputed/ Unpaid? (Y/N)
Sub-total										

Other Authorised Spending

Name of person authorised to incur spending	Amount £
Total:	

Personal Expenses					
Item/ Service	Name of person who made payment (i.e. candidate or election agent)	Date expense incurred	Date receipt/ invoice received	Date paid	Amount £
Sub total:					

Permissible Donations						
Donor name	Address	Company number (if required)	Date Received	Date Accepted	Nature (if notional)	Cash amount/ Value (£)
Sub Total:						

Impermissible Donations

Donor name (if known)	Address (if known)	Date received	Nature	Date and manner dealt with	Value £
Sub Total:					