



ANGUS COUNCIL

WARD 6 - ARBROATH WEST, LETHAM AND FRIOCKHEIM BY-ELECTION

THURSDAY 25 APRIL 2024

Notes for the Guidance of Candidates

These should be read in full before completing and submitting your nomination papers

Contents

	Page No
1. Administration & Management of Election	2
2. Election Team	2
3. Nomination of Candidates	3
3.1 General Provisions	
3.2 Qualifications/Disqualifications	
3.3 Council Employees Standing for Election	
3.4 Nomination Papers	
3.5 Informal Check of Nomination Papers	
3.6 Withdrawal of Nominations	
4. Appointment of Election Agent	6
5. Appointment of Polling Agents	6
6. Appointment of Counting Agents	6
7. Opening of Postal Votes	7
8. Notification of Requirement of Secrecy	7
9. Verification and Counting of Votes Cast	7
10. Copy of Register of Electors/Absent Voters Lists	7
11. Election Expenses	8
12. Situation of Polling Stations	8
13. Summary of Key Dates	9
14. Arrangements in Force at the Poll	10
15. Meeting for Candidates and Election Agents	10
16. After the Declaration of Results	10

NOTES FOR THE GUIDANCE OF PROSPECTIVE CANDIDATES

These notes are produced for the guidance and convenience of prospective candidates in the Arbroath West, Letham and Friockheim ward by-election for Angus Council on Thursday 25 April 2024.

While every care has been taken in the preparation of these notes, they do not have any binding force and candidates are advised, where necessary, to consult the relevant statutory authorities. For the Register of Electors or qualifications for absent and proxy voting, information may be obtained from the Electoral Registration Officer.

The Returning Officer and their staff cannot give advice as to the conduct of the election campaign by candidates or agents, particularly in relation to the legality or otherwise of their actions.

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. The lawful basis to collect the information on 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 vested in the Returning Officer as set out in the Representation of the People Act 1983 and associated regulations.

The information will be processed by the Returning Officer. For further information on data protection and data processing, you should refer to the [Returning Officer's privacy notice](#).

1. Administration & Management of Election

The persons involved in the administration and management of this election are as follows:-

Returning Officer	Depute Returning Officer
Kathryn Lindsay Chief Executive Angus Council Angus House Orchardbank Business Park Forfar DD8 1AX E: CHIEFEXEC@angus.gov.uk	Jackie Buchanan Director of Legal, Governance & Change Angus Council Angus House Orchardbank Business Park Forfar DD8 1AN E: BuchananJ@angus.gov.uk
Manager – Democratic, Member Services & Elections	Electoral Registration Officer (Angus)
Sarah Forsyth Legal, Governance & Change Angus Council Election Office Digital Reprographics Unit Sylvie Way Orchardbank Business Park Forfar DD8 1AY T: (01307) 491985 E: ForsythSL@angus.gov.uk	Electoral Registration Officer Tayside Valuation Joint Board Floor 1 William Wallace House Orchard Loan Forfar DD8 1WH T: (01307) 499910 E: forfar@tayside-vjb.gov.uk

Information on the election is available to members of the public via the Angus Council website. This will include the "Notice of Poll" which details the candidates standing in each ward after the close of nominations.

2. Election Team

The Election Team is based in the Election Office, Digital Reprographics Unit, Sylvie Way, Orchardbank Business Park, Forfar, DD8 1AY.

T: (01307) 491985 or 491781
E: elections@angus.gov.uk

If you require any assistance including large print versions of this or any other document, please use the contact details above.

3. Nomination of Candidates

3.1 General Provisions

- 3.1.1 The nomination form (including consent to nomination) and home address form must be submitted by hand and cannot be submitted by post, email or other electronic means. Certificates of authorisation and emblem request forms may be submitted by hand or by post, but cannot be submitted by email or other electronic means.
- 3.1.2 Please ensure where signatures are required on any form that you submit the original signed version of each completed form and not a copy. Documents without original signatures cannot be accepted.
- 3.1.3 There are no restrictions on who may deliver your nomination papers. However, we recommend that you, your election agent or someone you trust does this, so you can be sure they are delivered to the Returning Officer by the deadline of for receipt of nomination papers **4pm on Thursday 21 March 2024**.
- 3.1.4 Nomination papers for these elections may be completed and lodged with the **Returning Officer, Election Office, Digital Reographics Unit, Sylvie Way, Orchardbank Business Park, Forfar, DD8 1AY** from **10.00am to 4.00pm** on any week day **by appointment** after the date of publication of the Notice of Election, but in any event not later than **4.00pm on Thursday 21 March 2024**. **Please call the election office to book an appointment.**

Please refer to Section 3.5 for information on the informal check of nomination papers prior to formal submission.

- 3.1.5 It is a criminal offence to knowingly make a false statement on nomination papers. This includes a commonly used name given by a candidate on the nomination form which they do not actually commonly use.

The penalty for a false statement is either a fine, currently set at a maximum of £10,000 (or unlimited if convicted on indictment) and/or imprisonment.

3.2 Qualifications/Disqualifications

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

- at least 18 years old on the day of your nomination, and
- either a British citizen, an Irish Citizen, an eligible Commonwealth citizen, a qualifying foreign national or a schedule 6A national, and
- meet at least one of the following four qualifications:
 - a. You are registered as a local government elector for the local authority area in which you wish to stand on the day of your nomination.
 - b. You have occupied as owner or tenant any land or other premises in the local authority area during the whole of the 12 months before the day of your nomination.
 - c. Your main or only place of work during the 12 months prior to the day of your nomination has been in the local authority area.
 - d. You have lived in the local authority area during the whole of the 12 months before the day of your nomination.

Apart from meeting the qualifications for standing for election, you must also not be disqualified from standing on the day of your nomination and on polling day. Please refer to [Part 1 of the Electoral Commission's Guidance](#) for Candidates and Agents if you require more detailed guidance on this.

Questions of eligibility or disqualification are a matter for the candidate only and the Returning Officer cannot give advice on such matters.

3.3 Council Employees Standing for Election

It is not a disqualification to stand as a candidate if you are employed by Angus Council or are employed by any organisation accountable to it or carrying out services on its behalf, unless you hold a politically restricted post as defined by the relevant legislation. However, if you are elected, you **must** resign on the first working day after you have been elected if you want to take up your seat. Your resignation will take immediate effect and any notice period previously specified in your contract of employment will not apply.

Failure to resign by this date results in that person being disqualified from remaining a member of the local authority to which they were elected but does not affect their continuing status as an employee. However, this will trigger a by-election to fill the vacant seat.

The holders of politically restricted posts are disqualified from announcing their candidature for election without prior resignation of their appointment.

If you are unsure of your status as an employee please contact your HR service for assistance.

3.4 Nomination Papers

3.4.1 Nomination Form

If you wish to stand as a candidate you must submit the following completed forms to the Returning Officer by **4.00pm on Thursday 21 March 2024**.

LG1	Nomination Form (including consent to nomination)
LG2	Home Address Form (Parts 1 and 2)

These form must be returned by hand. Please call the election office to book an appointment to submit.

Attention is drawn to the rules for completing nomination papers and other provisions relating to nominations, as contained in the local government election rules contained in Schedule 1 to the Scottish Local Government Elections Order 2011.

3.4.2 Commonly Used Names

If a candidate uses a name which is different or partly different to their actual name, the candidate may request this be used instead of their actual name.

Please refer to [Parts 2a or 2b of the Electoral Commission guidance](#) for candidates and agents for more information on the use of commonly used names.

3.4.3 Description of a Candidate/Use of Party Emblems

A candidate may only use one of the following descriptions:

- the word "Independent"
- the registered party name of a registered political party
- one of the descriptions the party has registered with the Electoral Commission

If you are standing on behalf of a registered political party and wish to use the registered party name or description and emblem, you must also submit the following forms to the Returning Officer by **4.00pm on Thursday 21 March 2024**:

LG3	Certificate of Authorisation
LG4	Request for a Party Emblem

These forms may be returned by hand or by post.

A party name or description may only be used if the request is supported by a Certificate of Authorisation signed by or on behalf of the party's Nominating Officer before the close of nominations.

If you are standing on behalf of two or more political parties, an authorising certificate setting out the joint description is required from the Nominating Officer (or someone authorised to act on their behalf) of each of the parties.

A candidate standing on behalf of a political party whose nomination is supported by a valid Certificate of Authorisation may request, in writing, to have that party's emblem, or one of them, printed next to their name on the ballot paper. **Form LG4** is provided for this purpose. It would be helpful for candidates from registered political parties, who wish to take advantage of this provision, to supply a copy of the chosen emblem when the request is made.

If you are standing on behalf of two or more political parties and using a joint description you may choose an emblem that has been registered by one of the parties that you are standing for.

Both the certificate of authorisation and the request to use a party emblem must be received by the Returning Officer by close of nominations i.e. not later than **4.00pm on Thursday 21 March 2024**.

3.5 Informal Check of Nomination Papers

Nomination papers have to be checked for accuracy and conformity with statutory requirements when they are lodged. Occasionally the nomination papers cannot be accepted and candidates are required to amend them to meet statutory requirements. It is therefore in the interest of candidates when lodging nomination papers to ensure that there is adequate time for any such amendment, as in no circumstances may the Returning Officer accept a nomination paper after **4.00pm on Thursday 21 March 2024**.

Nomination papers may be submitted to the Election Team by email elections@angus.gov.uk for an informal check to be carried out before the formal submission of nomination papers. Any errors found will be communicated to the candidate and/or their election agent by email to allow these to be corrected before

formal submission. However, it should be noted that the correct completion of the nomination forms remains your responsibility or that of your election agent.

Candidates and agents must make an appointment for the formal submission of nomination papers. Contact T: 01307 491781 or email elections@angus.gov.uk.

3.6 Withdrawal of Nominations (LG6)

If you wish to withdraw your nomination, you may do so by lodging a Notice of Withdrawal signed by you and attested by one witness. The Notice of Withdrawal must be lodged with the Returning Officer at the address shown in paragraph 3.1.4 within the time for delivery of nomination papers.

You can download a Notice of Withdrawal Form from the [Electoral Commission website](#).

4. Appointment of Election Agent

Each nominated candidate must appoint an election agent. You may act as your own election agent if you wish.

Notice of appointment of an election agent must be delivered to the Returning Officer at the address detailed in paragraph 3.1.4 by the close of nominations i.e. not later than **4.00pm on Thursday 21 March 2024**. Form LG5 is provided for this purpose.

If you fail to notify the Returning Officer of the name and address of an election agent by the above-mentioned date, you shall be deemed to be acting as your own election agent. Please note that in these circumstances the home address given on your Home Address Form is deemed to be your office address and will be published on the Notice of Election Agents even if you have requested that your home address not be made public on the ballot paper.

5. Appointment of Polling Agents

You may appoint polling agents to attend at polling stations for the purpose of detecting personation or to observe the procedures being followed in the polling station. Such appointments should be made by giving notice in writing to the Returning Officer at the address detailed in paragraph 3.1.4 not later than **Thursday 18 April 2024**. Form LG7A is provided for this purpose. Please ensure that a polling agent's full name and home address (including postcode) is provided to the Returning Officer.

Whilst there is no limit to the number of polling agents you may appoint, by law only one polling agent may be admitted at the same time to a polling station on behalf of the same candidate. If you wish your spouse/partner to visit polling stations with you on polling day, it will be necessary for them to be appointed as a polling agent. Polling agents can be appointed to a particular polling station or stations or to all polling stations within the ward.

6. Appointment of Counting Agents

You may appoint counting agents to attend at the verification and counting of the votes. The Returning Officer will confirm the number of counting agents who you may appoint at the Candidates and Agents meeting.

Notice of the appointment of counting agents, stating their names and full addresses, should be given in writing to the Returning Officer at the address indicated in paragraph 3.1.4, not later than **Thursday 18 April 2024**. **Form LG7B** is provided for this purpose.

7. Opening of Postal Votes

The opening of postal votes will take place in Angus House, Forfar on the following dates:

- Wednesday 24 April 2024 @ 2pm
- Thursday 25 April 2024 @ 10am

The **final opening of postal votes** will take place on **Thursday 25 April 2024 commencing at 8.00pm**. This session will include the opening of any postal votes handed in at polling stations before the close of poll.

Candidates may appoint **one** postal voting agent to be present at each postal vote opening session and you should give notice of any such appointment to the Returning Officer at the address shown in paragraph 3.1.4 before the start of the opening session that the agent wishes to attend. **Form LG7C** is provided for this purpose.

There will be a briefing session explaining the scanning, verification and adjudication process for candidates and agents prior to the start of the first verification session.

8. Notification of Requirement of Secrecy

The Returning Officer is required to ensure that all persons involved in the election are given a copy in writing of the appropriate secrecy provisions of Rule 27 of the Scottish Local Government Election Rules 2011. A copy of Rule 27 is enclosed with your nomination pack.

9. Verification and Counting of Votes Cast

The counting of the votes cast at the election will take place on **Friday 26 April 2024 in Angus House** commencing at **10am**.

The counting of votes will be electronic, with all ballot papers being scanned. Further information on the e-Count process will be given at the Candidates and Agents meeting.

Admission to the e-Count will be restricted to the Returning Officer and their staff employed at the count, the Police, candidates, their election agent and counting agents, one guest for each candidate, accredited observers and members of the media authorised by the Returning Officer. Admission cards will be issued by the Returning Officer on receipt of the appropriate forms.

10. Copy of Registers of Electors/Absent Voters Lists

Candidates are entitled to one free copy of the full Electoral Register and Absent Voter lists for the ward in which they are standing. The Electoral Registration Officer cannot supply a copy of the register or absent voter lists to any candidate earlier than the last date for the publication of the Notice of Election which is Tuesday 5 March 2024.

For a candidate to receive a copy of the full Electoral Register and Absent Voter lists forms **LG8/LG9** should be completed, signed and returned to the Election Office. The Election team will pass the completed forms to the relevant Electoral Registration Officer for action.

It is important to note that candidates who have been supplied with a copy of the full register must not pass on a copy of the register to any other person, must not disclose any information from the register (which is not contained in the edited version of the register) or make use of such information except for electoral purposes and checking the validity of donations. Any person who is found guilty of breaching these conditions may face a fine of up to £5,000.

11. Election Expenses

Election agents must, within 35 days of the day on which the result of the election has been declared **i.e. by Friday 31 May 2024** make a return of election expenses on the appropriate form, together with all bills and receipts. At the same time that the election agent transmits that return, or within 7 days afterwards, the candidate must return a declaration as to these expenses.

Candidate spending is what you spend on activities to promote your candidacy during a particular period in the run up to the election. This period is known as the **regulated period** and begins on the day after you officially become a candidate for regulatory purposes and ends on 25 April 2024. The earliest date you can officially become a candidate is Wednesday 6 March 2024 and the latest date is Thursday 21 March 2024.

The spending limit for the regulated period is £806, plus 7p per local government elector in the ward.

Election expenses reasonably attributable to a candidate having a disability do not count towards the spending limit but must be reported on your spending return.

Candidates from the same party standing in the same ward have lower spending limits. The spending limit per candidate must be calculated by reducing the overall spending limit by the number of candidates. Please refer to the [Part 3 of Electoral Commission's guidance](#) for candidates and agents for more information on this.

You will find a copy of the Electoral Commission's candidate spending return in your nomination pack along with the appropriate declarations which must be completed. These are also available to download from the Electoral Commission website.

Please note that all queries regarding candidate election expenses should be directed to the Electoral Commission T: 0333 103 1928 E: infoscotland@electoralcommission.org.uk.

12. Situations of Polling Stations

The situation of polling stations in each ward will be published along with the Notice of Poll.

13. Summary of Key Dates

A summary of the key dates at this election is set out below:-

Tuesday 5 March 2024	Publication of Notice of Election
Thursday 21 March 2024 (not later than 4pm)	Deadline for delivery of Nomination Papers Deadline for Withdrawals of Nomination Deadline for notification of appointment of election agent
Thursday 21 March 2024 (as soon after 4pm as possible)	Publication of Notice of Poll including Situation of Polling Stations
Wednesday 3 April 2024 @ 3.30pm	Candidates & Agents Briefing Session
Wednesday 10 April 2024 (not later than 5pm)	Deadline for receiving new postal vote and postal proxy applications and for changes to an existing postal vote or proxy votes
Tuesday 16 April 2024	First dispatch of postal voting packs
Wednesday 17 April 2024 (not later than 5pm)	Deadline for receiving new applications to vote by proxy (not postal proxy or emergency proxies)
Thursday 18 April 2024	Deadline for notification of appointment of polling and counting agents
Thursday 25 April 2024	POLLING DAY (7am to 10pm)
Friday 26 April 2024 @ 10.00am	Verification and Counting of Votes Cast
Friday 31 May 2024	Last day for the submission of the return of election expenses and declarations by Election Agents. (Candidates must also submit a declaration confirming that the return is complete and correct within 7 days of the return being submitted).

14. Arrangements in force at the Poll

A copy of the arrangements in force at the poll for the elections in Angus is included in your nomination pack. Anyone campaigning for you on the day of poll **must** be given a copy of this document for information.

15. Meeting of Candidates and Election Agents

A meeting of candidates and election agents will be held in the Angus House, Forfar on Wednesday 3 April 2024 at 3.30pm to discuss the arrangements. Any candidate who is unable to attend may wish to be represented by their election agent or other representative. If you wish to attend this session please advise the election team by email elections@angus.gov.uk by Friday 29 March 2024.

16. After the Declaration of the Results

If elected, your appointment as a Councillor will become effective immediately after you have been declared elected. However, you may not act as a Councillor until you have signed the declaration of acceptance of office. In Angus, you will be requested to sign this immediately after the declaration of results at the count venue. You will also be issued with a pack containing important information relating to your role as a Councillor.

Candidates should also note that, following the introduction in legislation of the 'Disqualified from Working with Children List' in 2005, enhanced Disclosure Scotland checks are required to be carried out on all elected members. Those persons elected to the Council will be asked to complete and sign the appropriate form following the declaration of their election.

Kathryn Lindsay
Returning Officer
March 2024