

CAMBOURNE PARISH COUNCIL
District of South Cambridgeshire

Council Meeting 15th January 2019

Councillor Vacancy

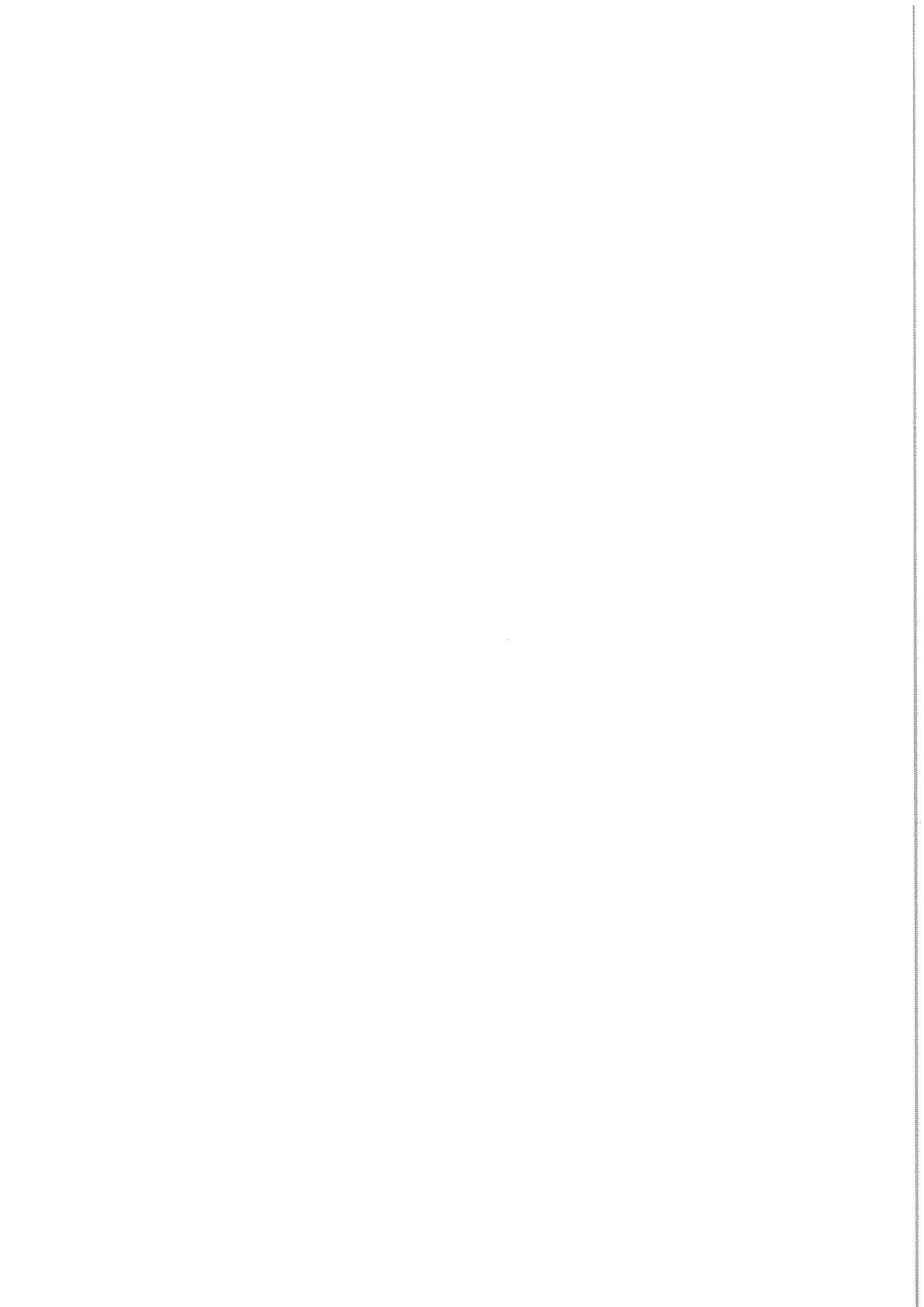
Confirmation has been received from South Cambs District Council that an election has not been called and that we can proceed with co-option. This had been accepted so an article was placed in the Cambourne Crier that was delivered early January. This has generated a good selection of potential candidates. All people expressing an interest have been acknowledged and sent a copy of:

- Elections all about Local Council
- Elections, Council Elections
- Elections Parish Councillor Job Description.

The application/nomination form has updated to incorporate the revised format used for the May 2018 elections, the details of this have been shared with Andrew Francis Election Officer at South Cambs.

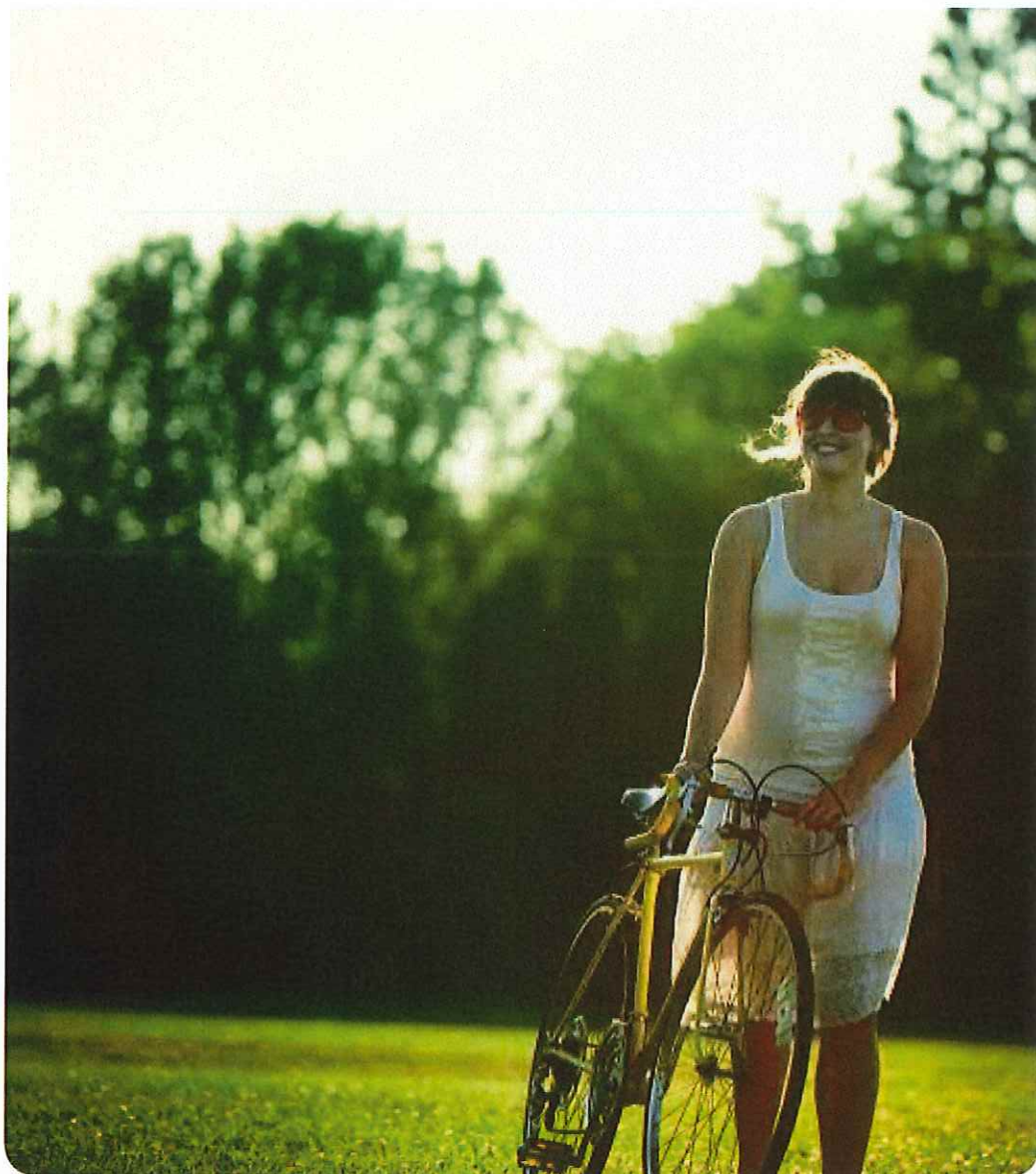
It is

Recommended that the report be received and the co-option be on the agenda for the 5th February Council meeting, the candidates be requested to fill in an application form and provide a short statement with a maximum of 200 words, explain why they are interested in standing and what they will bring to the Council.



ALL ABOUT

LOCAL COUNCILS



A booklet for anyone wanting to know more about parish, town, neighbourhood and community councils and the role of local councillors

Published by NALC

Second edition

The National Association of Local Councils (NALC)

109 Great Russell Street

London

WC1B 3LD

www.nalc.gov.uk

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Printed by Darwin Press

About this booklet

Throughout England parish, town, community and neighbourhood councils (local councils)* work towards improving community well-being and providing better services at a local level. They are the tier of local government below the level of district, borough or unitary council and are the tier of local government closest to the people.

This booklet is for anyone wanting to know more about parish, town, community and neighbourhood councils (local councils), the role of local councillors and what you need to do if you would like to stand as a candidate in local council elections.

We have also provided a range of case studies which highlight the different kinds of work that local councils do, showing that size is no bar to making a real difference in the local community.

What are local councils?

There are around 9,000 parish, town, community and neighbourhood councils (local councils) representing around 16 million people across England. They form the most local level of government and cover many rural and urban areas. The latter includes many of our larger cities such as Birmingham, Leeds and Newcastle. Recent changes to the law mean that it is now possible to create a local council in London, last seen in the capital in the 1960s. To find out if there is a parish, town, community or neighbourhood council in your area contact the National Association of Local Councils (contact details are on the back page of this booklet).

What's the difference between parish, town, community and neighbourhood councils?

Not a great deal. They all have the same powers and can provide the same services.

The only difference is that a town council has decided that it should be known as a town council instead of a

parish, community or neighbourhood council, and has a mayor.

What services do they provide?

Your local council has an overall responsibility for the well-being of your local neighbourhood. Their work falls into three main categories:

- representing your local community
- delivering services to meet local needs
- striving to improve quality of life in the parish.

Your council might provide, maintain or contribute to the following services:

- allotments
- leisure facilities
- bus shelters
- litter bins
- car parks
- local illuminations
- community centres
- parks and open spaces

Parish, town, community and neighbourhood councils are collectively



known as local councils. Any reference to local councils in this booklet refers to parish, town and community councils and not to the district or borough council tier of local government.

- community safety schemes
planning
- community transport schemes
public lavatories
- crime reduction
street cleaning measures
- cycle paths
street lighting

- festivals and celebrations
tourism activities
- traffic calming measures.

They will often work with bigger councils in your area called 'principal authorities' and cooperate to ensure the effective delivery of services to the local community.

How do they make decisions?

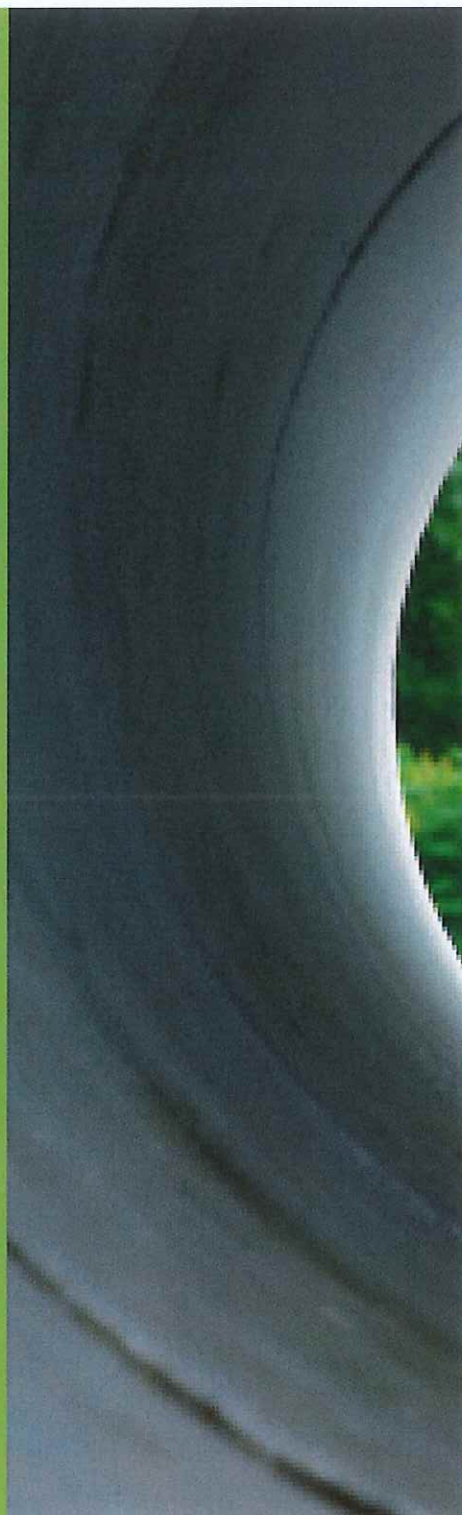
Your local council is made up of a number of councillors who meet

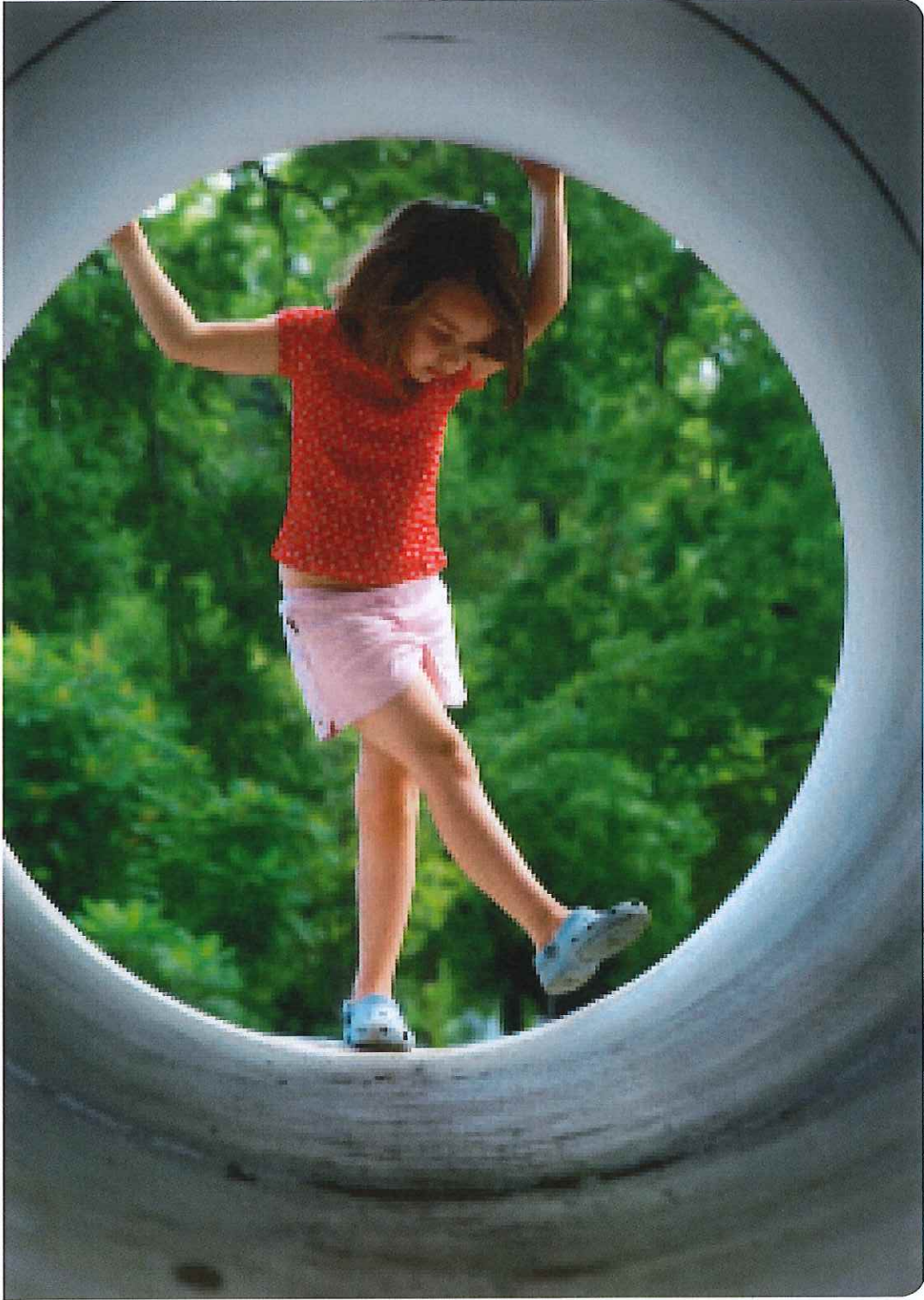
regularly to make decisions on the work and direction of the council. As elected bodies local councils are responsible to the people they represent – that's your local community.

Attending a council meeting is the best way to find out what they do. Give the council a call and find out when its next public meeting is scheduled to take place.

Where do they get their money from?

Each year a sum of money called a 'precept' is collected through your council tax. This money is invested back into your local neighbourhood by your local council to improve facilities and services for you and your neighbours. Local councils can also apply for grants and loans and, if they own property, can receive money from rents or leases.





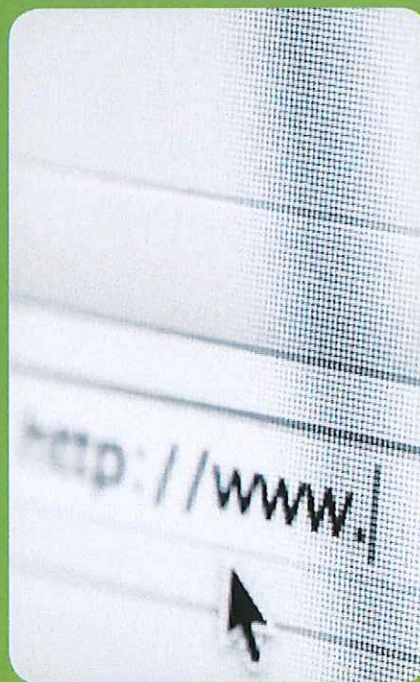
CASE STUDY

Improving performance: Peterlee Town Council

Number of councillors: 22

Size of electorate: 15,934

Peterlee Town Council is based in the new unitary area of Durham, in the North-East of England. It has gained Quality status. The Town Council embarked on an ambitious Action Plan in 2006/7. The provision of new and improved facilities continues to be the Council's top priority. A new Generation 3 Flood-lit Training Area and sports and community building have recently received the "go ahead". The council has recently installed a new website. Regeneration has always been a top priority for the Council, and the Council regularly reviews its corporate governance arrangements.



CASE STUDY

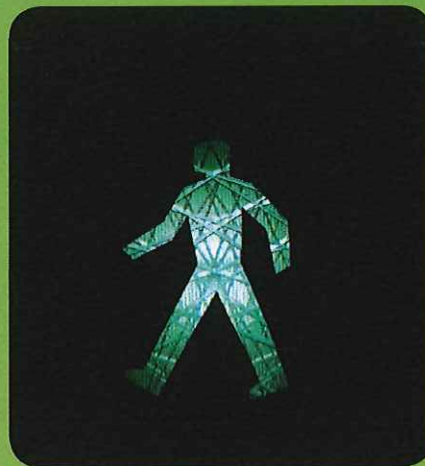
Delegated control: Aylesbury Town Council

Number of councillors: 24

Size of electorate: 40,000

As a consequence of obtaining Quality Status, the Town Council has entered into an agreement with the County Council to deliver minor highways maintenance in Aylesbury. This means it can respond instantly to problems with footpaths and minor road surfaces. It is also now empowered to clear rights of way, to control roadside vegetation and to maintain street furniture and signs. The council now tackles all the 'grot spots', on which it had previously been powerless to act. The Council agreed a match funding package where the County pays £2 to every £1 the Council spends, making a total of £30,000 per annum. This gives the

Town Council the resource to invest personnel and equipment for outdoor maintenance and it now has much more control over the appearance of the town.



How are local councillors elected?

Local council councillors are elected to represent a geographical area known as a ward or – mainly in smaller local councils – the parish, town, community or neighbourhood council area as a whole.

They are elected by people who live in the area. If the local council is divided into wards an election is held in each ward, the same way elections are held in district or borough wards. If the local council doesn't have wards there is just a single local council election.

Most local council elections are on the same cycle, with elections this year, 2015, 2019 and so on. However, local council elections may instead be held together with associated principal council elections. To find out when your local council has elections contact your local electoral office at your district or borough council. For details visit www.aboutmyvote.co.uk.

Local councils can now be established anywhere in England, whether small rural communities or within urban city conurbations. Recent legislation removed the ban on local councils being established in London ensuring that Londoners would have the option of establishing local councils for their local neighbourhood. For more information see www.communities.gov.uk.

Who can vote in local council elections?

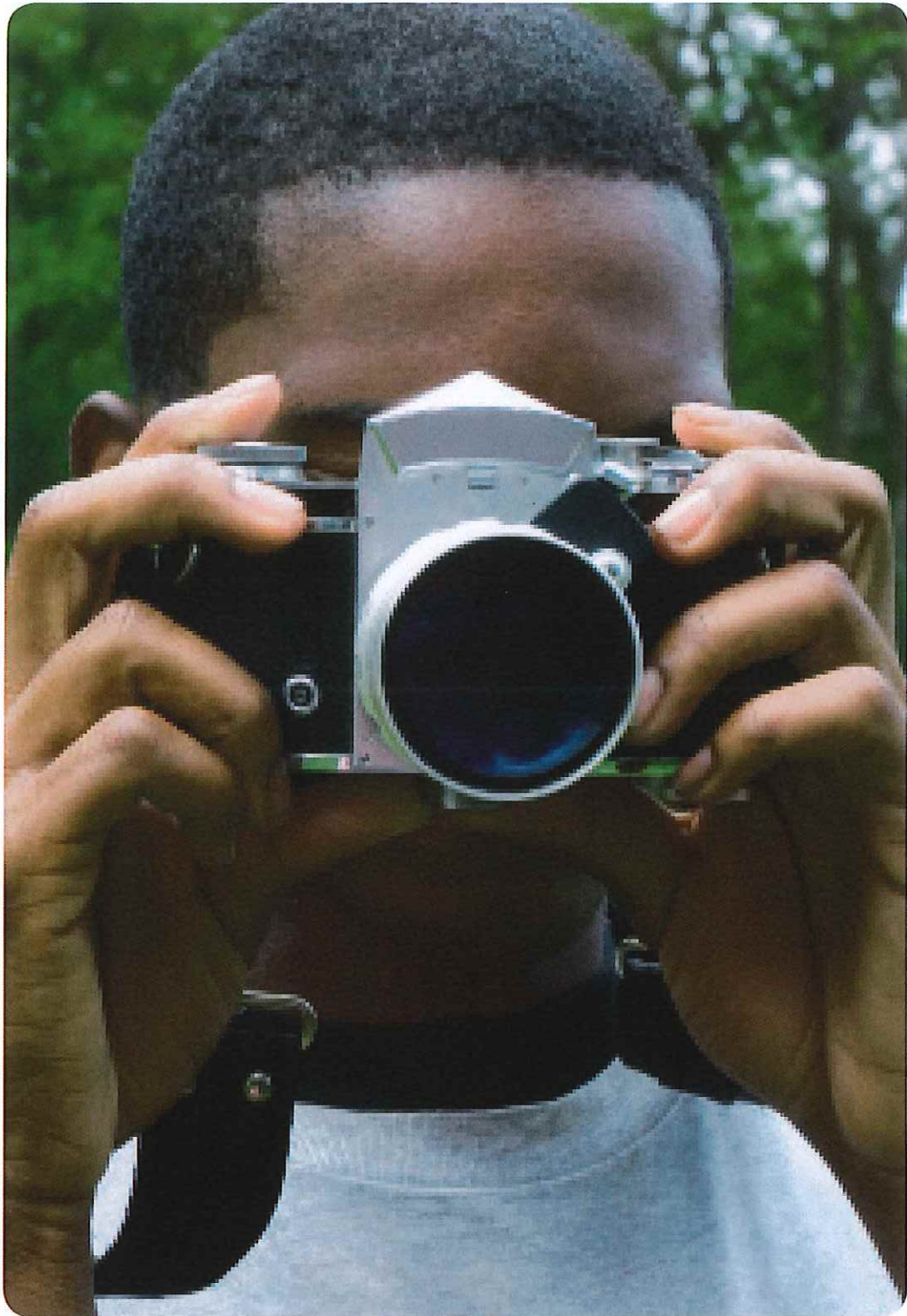
To vote in any election you need to be registered to vote. To get on the electoral register contact the electoral services at your local district or borough council or visit www.aboutmyvote.co.uk to download a registration form. You can register to vote when you are aged 16 years or over but you need to be 18 or over to vote.

To vote in a local council election you need to be a British citizen, Irish citizen, European Union citizen or citizen of a Commonwealth country (including Cyprus and Malta).

What do local councillors do?

Councillors have three main areas of work:

1. **Decision-making:** through attending meetings and committees with other elected members, councillors decide which activities to support, where money should be spent, what services should be delivered and what policies should be implemented.
2. **Monitoring:** councillors make sure that their decisions lead to efficient and effective services by keeping an eye on how well things are working.
3. **Getting involved locally:** as local representatives, councillors have responsibilities towards their constituents and local organisations. This often depends on what the councillor wants to achieve and how much time is available. The day-to-day work of a councillor may include:
 - going to meetings of local organisations such as tenants' associations
 - going to meetings of bodies that affect the wider community, such as the police, the Highways Authority, schools and colleges
 - taking up issues on behalf of members of the public, such as making representations to the district or borough council
 - running a surgery for residents to bring up issues
 - meeting with individual residents in their own homes.



CASE STUDY

Community arts centre: East Grinstead Town Council

Number of councillors: 18

Size of electorate: 18,000

Between 1995 and 1996, East Grinstead Town Council embarked on a remarkable project to build the Chequer Mead Community Arts Centre. The building cost £2.4million, the bulk of which was financed by the council with the Arts Council Lottery Fund and Mid Sussex District Council contributing additional funding.

The centre itself comprises a magnificent 340-seat theatre with 210 seats in the stalls and 130 seats in the circle. In addition, the complex comprises a dedicated art and exhibitions gallery, three meeting rooms, a studio room, a restaurant/cafeteria/bar and the usual backstage accommodation. At the time of its development this was, in funding

terms to be the largest capital project developed by any parish or town council in

England and Wales. The centre has rapidly built a first-class reputation as a venue with a wide educational remit and hosts high-class community and professional performing and visual art events. Chequer Mead is run as a charity and East Grinstead Town Council continues its role as trustee.

"Chequer Mead is a fantastic facility for the whole community providing opportunities for young and old in performing and visual arts"

Councillor Ian Dixon

How do I contact my local councillor?

To find out who your parish, town, community or neighbourhood councillors are, contact your local authority. They will provide you with contact details of the clerk for your local council. The clerks will have the contact information you need to locate your parish, town, community or neighbourhood councillors. If you have access to the internet, most councils provide an online search facility for your clerk's contact details.

Could I become a local councillor?

As a councillor you can become a voice for your community and affect real change. Councillors are community leaders and represent the aspirations of the public that they serve. Parish, town, community and neighbourhood councillors are the most local part of our democratic system and are closest to the public. Why don't you stand for your local council and see what difference you can make to your local neighbourhood?

How much time does it take up?

Quite often councillors say that their duties occupy them for about three hours a week. Obviously there are some councillors who spend more time than this – and some less, but in the main, being a local councillor is an enjoyable way of contributing to your community and helping to make it a better place to live and work.

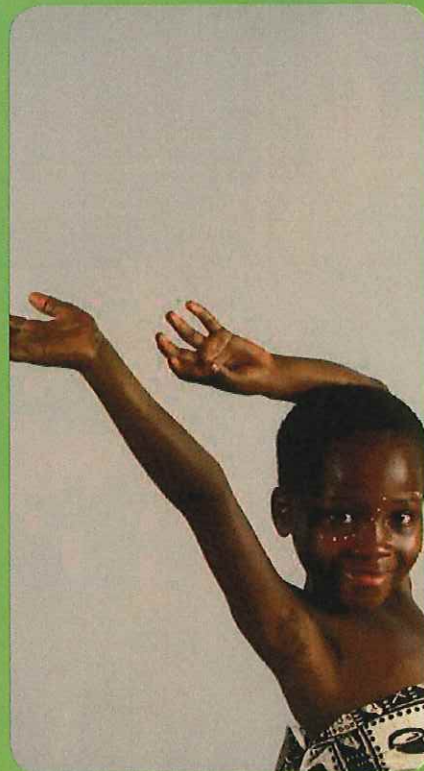
CASE STUDY

Under the spotlight: Campbell Park Parish Council

Number of councillors: 20

Size of electorate: 10,900

Campbell Park Parish Council in Milton Keynes has undertaken a number of spotlight events to help highlight and explore, understand and celebrate a variety of different aspects of the local community. They have directed the spotlight on the Punjab, age and ageism, Ghana, the Celtic fringe, Nigeria, Islam, multiple occupation housing, Hinduism, health and diversity. The brainchild of Councillor Tom Fraser, Cllr. the late Richard Osbourne and the Milton Keynes Racial Equalities Council, the latest manifestation of Spotlight was a highly successful Diversity Ball which saw 600 people enjoy the spectacle of fantastic costumes, dancing and food, all helping to reflect the broad spectrum of different cultures in the local area.



Am I qualified?

Most people are. However there are a few rules. You have to be:

- a British citizen, or a citizen of the Commonwealth or the European Union, and
- 18 years or older on the day you become nominated for election.

You cannot stand for election if you:

- are the subject of a bankruptcy restriction order or interim order
- have, within five years before the day of the election, been convicted in the United Kingdom of any offence and have had a prison sentence (whether suspended or not) for a period of over three months without the option of a fine
- work for the council you want to become a councillor for

There are specific rules around candidacy. The full range of disqualifications for candidates is quite complex and some exceptions may apply. Full details can be found on the website of the National Association of

Local Councils (contact details are on the back page of this booklet).

But I'm too young...

Some local councils also run youth councils, which are often made up of young people representing their local schools and colleges. This provides young people with a time and place to meet and discuss matters that affect them.

In 2007, the age you can run as a candidate in an election was lowered from 21 to 18. These youth councils are in direct communication with their parish, town, community or neighbourhood council so they can also be involved in decision-making.

Contact your local council, or speak to your school or local youth service to find out more. If there isn't a local youth council you could get together with friends and put forward a proposal to set one up.

There are no local councils in my area. How can I get one set up?

A local council can empower your community. District and borough councils now have responsibility for the creation of new local councils. You can petition your district or borough council and request that a local council be set up in your community. It will be able to raise its own funds locally all of which will be invested in the local community for the well-being of its residents.

If you would like more information on setting up a local council the National Association of Local Councils can provide advice (contact details on the back page of this booklet). Also, download a copy of the Association's Power To The People pack at www.createacouncil.org.uk

CASE STUDY

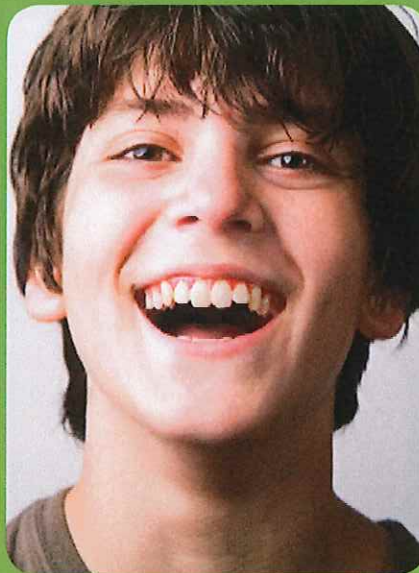
Youth engagement: Ringwood Town Council

Number of councillors: 13

Size of electorate: 11,000

Ringwood Town Council represents the town of Ringwood in the New Forest District of Hampshire. The Town Council initiated a Student Advisers programme to involve young people in the running of the Council. Town Councillors could also gain a better understanding of the needs of local people. The Town Council was aware that it was often making decisions that would have greater consequences for young people than councillors themselves, so some sort of buy-in was sought. The local secondary school sends two representatives from amongst its students to sit on each of the Town Council's committees. The young people attending

committee meetings contribute to specific discussions before decisions are made - the system works very well.



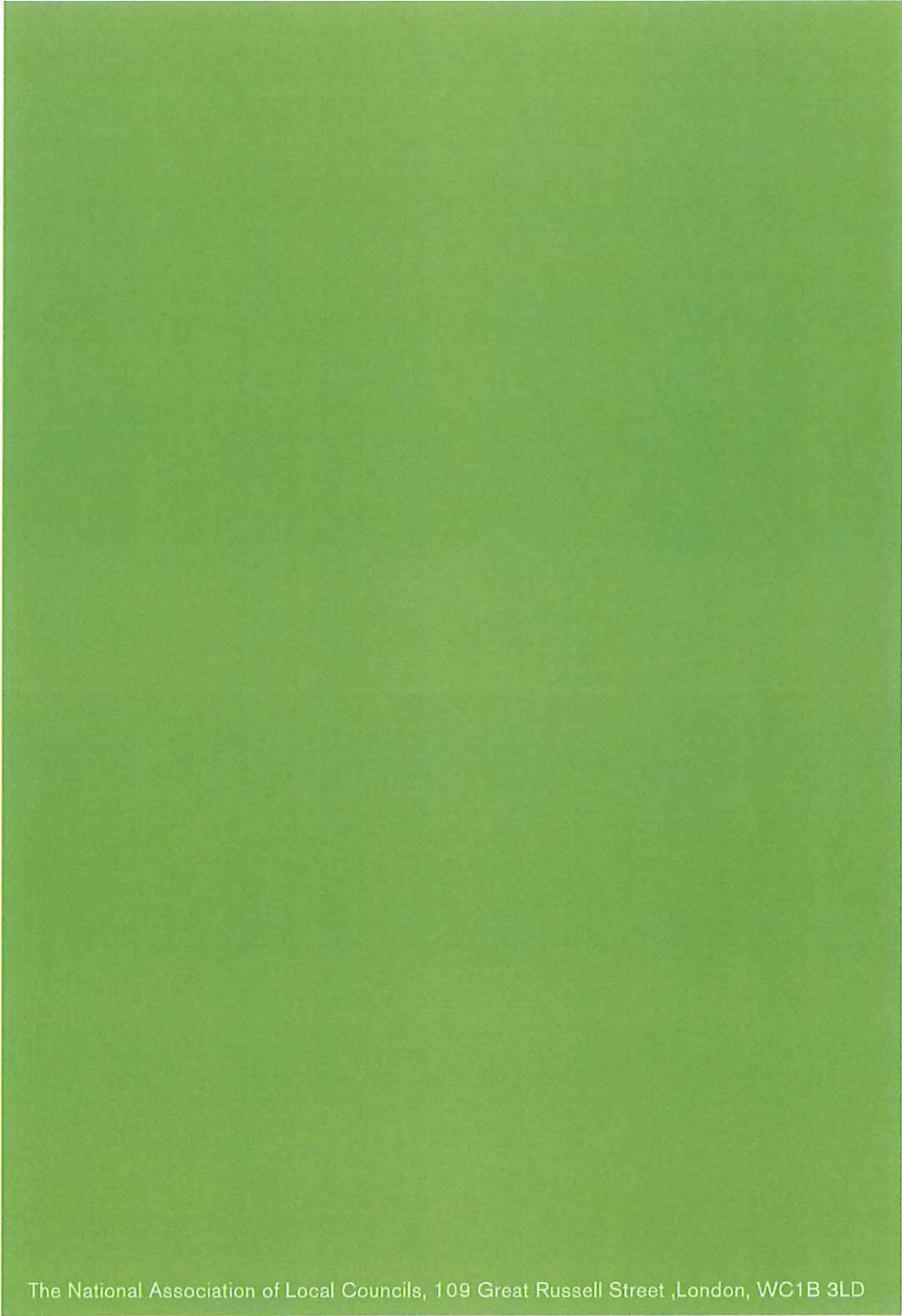
Further Information

The National Association of Local Councils is the national representative body for parish and town councils in England. Elections advice and resources are available on its website at www.nalc.gov.uk. For additional advice or support please contact 020 7637 1865.

The Electoral Commission (www.electoralcommission.org.uk) is an independent body set up by the UK Parliament. Our aim is integrity and public confidence in the democratic process.

For public awareness materials visit www.dopolitics.org.uk.

For more information on registering to vote or elections visit www.aboutmyvote.co.uk.



The National Association of Local Councils, 109 Great Russell Street ,London, WC1B 3LD



CAMBOURNE PARISH COUNCIL

District of South Cambridgeshire

Stand for what you believe in

The next elections for Parish and Town councils are 3rd MAY 2018

Become a Parish or Town Councillor

The best way to find out what it's like to be a Parish or Town councillor is to talk to someone who's doing it now. Your Parish or Town council will have a website where you will be able to get the names and contact details of the current clerk and councillors, and the dates of their meetings. Council meetings are open to the public and you can go along to a Parish or Town council meeting, speak to one of the councillors and find out what they think of the job they do.

By becoming a Parish or Town councillor you become someone your community will look to for help, guidance and support as a community leader with the power to influence decisions for the benefit of the people you serve.

Getting Elected

To stand for election to a Parish or Town council, you must:

- be a UK or Commonwealth citizen; or be a citizen of the Republic of Ireland; or be a citizen of another Member state of the European Union
- be at least 18 years old

To be eligible to stand for election for a particular Parish or Town you don't have to be connected to a political party but you must:

- be an elector of the Parish or Town or in the past 12 months have occupied land or other premises in the Parish or Town (as owner or tenant) or work in the Parish or Town (as your principal or only place of work) or live within three miles of the Parish or Town boundary



What do Parish or Town councils do?

A Parish or Town or Town council is a local authority that makes decisions on behalf of the people in the Parish or Town. It is the level of local government closest to the community, with the district authority and the county authority or a principal authority further up the hierarchy.

Parish or Town councils make all kinds of decisions on issues that affect the local community. Probably the most common topics that Parish or Town councils get involved with are planning matters (they are statutory consultees), crime prevention and roads & highways.

Parish or Town councils have a number of powers they can use and have the ability to negotiate with other decision making organisations such as the district, county or unitary councils, health authorities, police etc. In this respect Parish or Town councils are extremely powerful. These organisations know that a Parish or Town council gives the best reflection of how a community feels about something and its views should be taken seriously.



How much time does it take up?

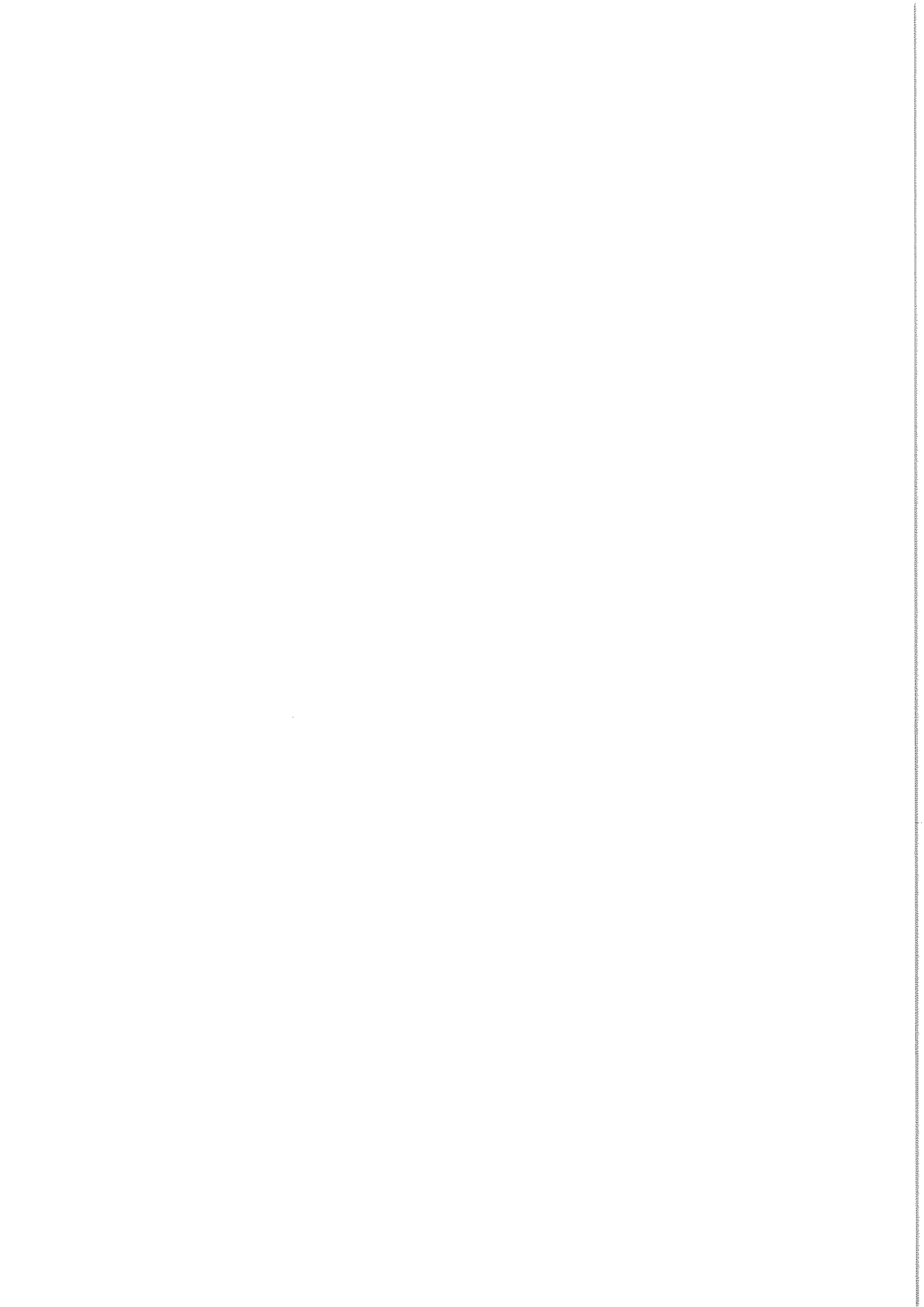
Councils usually meet once a month for the council meeting to which members of the public are also invited. Meetings may last two or three hours, depending on what's on the list of items to discuss. Some councils may also have committees to deal with specific subjects, such as planning matters.



How long do I serve for as a Parish or Town Councillor?

Once elected, Parish or Town councillors sit on the council for four years. If they then want to stay in the post they can stand for re-election. This does not mean that you have to stay for four years. If you find it's not for you, or you can no longer meet the commitment, you can stand down.

Please address any reply to **John Vickery Clerk to the Parish Council Parish Office, The Hub, Cambourne Community Centre, High Street, Cambourne, Cambridge. CB23 6GW.**
Tel 01954 714403 E-Mail clerk@cambourneparishcouncil.gov.uk





CAMBOURNE PARISH COUNCIL

District of South Cambridgeshire

PARISH COUNCILLOR – JOB DESCRIPTION

Title	Councillor
Responsible to:	The Parish Council and its electors.
Responsible for:	Effective leadership to foster the interests of their electors and Parish
Role Purpose to:	Represent the views of Parishioners within and outside the Parish.

.....

Main Duties and Responsibilities

- To participate constructively in the government of the Parish/Town Council
- To participate fully in the formation and scrutiny of the Parish Council's policies, budgets, strategies and service delivery including the 'Parish Plan'.
- To ensure, with other councillors, that the Parish Council is properly managed.
- To keep up to date with significant developments affecting the Parish Council at local, regional and national levels.
- To promote the economic, social and environmental well-being of the Parish taking account of the strategic effects on other communities and the Parish Council as a whole.
- To represent effectively the interests of the ward for which the Councillor is elected and deal with Parishioners enquiries, representations and complaints.
- To represent the whole electorate; listen, and then represent the views of the whole community when discussing council business and working with outside bodies
- To take an active part in the Parish Council's arrangements to build community capacity and promote measures that contribute to the Parish Council's Vision.
- To attend Parish Council meetings.
- To prepare for meetings and being properly informed about the issues to be discussed.
- To take part in meetings and form sound judgements based on what is best for the community and then abide by majority decisions.
- To represent the Parish Council on outside bodies to which the Councillor is appointed including the Standards Committee and Governing Bodies.
- To maintain proper standards of behaviour as an elected representative of the people.
- To fulfil the statutory and locally determined requirements of an elected member of a Local Authority and the Parish Council, including compliance with all relevant codes of conduct and maintaining high ethical standards, (including not disclosing confidential information and not using council resources for political purposes or for any other reason unless agreed by the Council)

- To participate effectively as a member of any committee or working party to which the Councillor is appointed.
- To contribute constructively to open government and democratic renewal to actively encourage to the Parish to participate generally in the government of the area and provide access to information where appropriate.
- To uphold the Parish Council's Standing Orders and ethical standards (ensuring that the impartiality of council staff is not compromised).
- To produce an annual report to enhance their accountability to the public by providing details of official activities and the contribution made to the effective operation of the Parish Council.

CL

Parish Co-option

Candidate checklist

This checklist is designed to assist candidates standing in a parish/ community council election¹ in England or Wales in preparing to submit their nomination, and should be read alongside the Electoral Commission's [Guidance for candidates and agents](#).

Task	Tick
Nomination paper (all candidates)	
Add your full name – surname in the first box and all other names in the second	
Optional - Use the commonly used name(s) box(es) if you are commonly known by a name other than your full name and want it to be used instead of your full name	
Description – Party candidates can use a party name or party description shown on the Electoral Commission's website and supported by a certificate of authorisation from that party. Any candidate may use a description that is not likely to lead electors to associate the candidate with a registered political party or can use 'Independent' (and/or 'Annibynno' in Wales) or leave this blank. Whatever you enter in this box will appear as your description on the ballot paper	
Add the full home address of the candidate	
Subscribers – both subscribers must sign and have their name printed. Use your copy of the electoral register to make sure the elector number of both subscribers is accurate	
Method of submitting the form to the RO: in person (but not limited to yourself), by hand	
Candidate's consent (all candidates)	
You must be a British, Commonwealth or other European Union Citizen and not require leave to enter or remain in the United Kingdom or have indefinite leave to remain. You must also be 18 years old or older on the date you sign this form.	
You must meet at least one of the listed qualifications (a, b, c or d). 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, if necessary, take your own legal advice.	
Add your full date of birth	
Sign and date the document in the presence of another person. You must not sign the consent form earlier than one calendar month before the deadline for submitting your nomination papers	
Get the other person to complete and sign the witness section	
Method of submitting the form (which must include all pages of legislation) to the RO: in person (but not limited to yourself), by hand	

Office Use only	Date received	Time received	Initials	No.

1a	Parish Co-option	Nomination paper
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*ELECTION OF PARISH / COMMUNITY COUNCILLORS for the	
*parish/community of *Delete whichever is inappropriate	² Cambourne
Date of Co-option	5 th February 2019

We, the undersigned, being local government electors for the said *ward/parish/community do hereby nominate the under-mentioned person as a candidate at the said election.

Candidate's Details	
Candidate's surname	Mr/Mrs/Miss/ Ms/Dr/Other
Other forenames in full	
Commonly used surname (if any)	
Commonly used forenames (if any)	
Description (if any) use no more than six words	
Home address in full	
Candidate email/phone (optional)	

² Insert name of parish or community.

1b	Parish Co-option
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Candidate's consent to nomination
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*Delete whichever is inappropriate

Date of Co-option:			
I (name in full):			
of (home address in full):			
hereby consent to my nomination as a candidate for Co-opted election as councillor for the:	N/A	* ward [if applicable]	
of the *parish of:	Cambourne		

I declare that on the day of my nomination I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Union who has attained the age of 18 years and that:

*a. I am registered as a local government elector for the area of the *parish/community named above in respect of (<i>qualifying address in full</i>):	or
and my electoral number (<i>see Note below</i>) is:	
*b. I have during the whole of the 12 months preceding that day or those days occupied as owner or tenant the following land or other premises in the *parish/community (<i>description and address of land or premises</i>):	or
*c. my principal or only place of work during those 12 months has been in that *parish/community at (<i>give address of place of work and, where appropriate, name of employer</i>):	or
*d. I have during the whole of the last 12 months resided in that *parish/community or within 4.8 kilometres of it at (<i>give address in full</i>):	or

* For a nomination in England: I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, section 80 of the Local Government Act 1972, section 78A of the Local Government Act 2000 or section 34 of the Localism Act 2011 (copies of which are printed overleaf).

*For a nomination in Wales: I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, section 80 of the Local Government Act 1972 or section 78A or 79 of the Local Government Act 2000 (copies of which are printed overleaf).

Candidate's date of birth:	Candidate's signature:	Date:

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

Witness (name in full):	
of (address in full):	
Witness's signature:	

Notes: A person's electoral number is their number in the register to be used at the election (including the distinctive letters of the polling district in which they are registered). A candidate who is qualified by more than one qualification may complete all of those that may apply.

Local Government Act 1972

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

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

- (a) holds any paid office or employment (other than the office of chairman, vice-chairman, deputy chairman, presiding member or deputy presiding member or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive) appointments or elections to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a joint committee or National Park authority on which the authority are represented or by any person holding any such office or employment; or
- (b) is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order, or a debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986; or
- (c) [This has been removed and no longer applies]
- (d) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
- (e) is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983.

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

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

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

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

- (a) one or more persons appointed on the nomination of the Authority acting by the Mayor, and
- (b) one or more members of one or more London borough councils appointed to the committee on the nomination of those councils,

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

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

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

of a local authority member of the National Park authority.

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

(5) For the purposes of subsection (1)(d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the conviction.

81. Exception to provisions of section 80

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

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

Local Government Act 2000

Persons disqualified by eligible tribunals. The following is the legislation that describes how persons disqualified by certain tribunals are disqualified from standing in local government elections.

78A. Decisions of First-tier Tribunal

[(1) Deleted.]

(2) Where the First-tier Tribunal adjudicates on any matter under this Act, it must decide whether or not any person to which that matter relates has failed to comply with the code of conduct of the relevant authority concerned.

(3) Where the tribunal decides that a person has not failed to comply with the code of conduct of the relevant authority concerned, it must give notice to that effect to the standards committee of the relevant authority concerned.

(4) Where the tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned, it may—

- (a) take in respect of him any action authorised by regulations made by the Secretary of State for the purposes of this subsection, or
- (b) decide to take no action against him.

(5) Regulations made under subsection (4) may in particular—

- (a) enable the tribunal to censure the person,
- (b) enable it to suspend, or partially suspend, the person from being a member or co-opted member of the relevant authority concerned for a limited period,

(c) enable it to disqualify the person, for a period not exceeding five years, for being or becoming (whether by election or otherwise) a member of that or any other relevant authority.

(6) The reference in subsection (5)(b) to the relevant authority concerned is to be read, in relation to a person who is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority in England, as a reference to that other relevant authority.

(7) Regulations made by the Secretary of State may require the First-tier Tribunal to give a notice to the standards committee of the relevant authority concerned where it decides that a person has failed to comply with the code of conduct of that authority and—

- (a) decides to suspend or partially suspend the person,
- (b) decides to disqualify the person,
- (c) decides to take action against the person other than suspension, partial suspension or disqualification, or
- (d) decides to take no action against him.

(8) Regulations under subsection (7) may—

- (a) prescribe the content of any notice,
- (b) provide for the effect that any notice is to have,

(c) provide for provisions of the regulations to have effect with prescribed modifications where the person concerned is no longer a member or co-opted member of the relevant authority concerned, but is a member or co-opted member of another relevant authority in England

Section 79 only applies to candidates standing in Wales

79.— Decisions of case tribunals: Wales

(A1) In this section “Welsh case tribunal” means a case tribunal drawn from the Adjudication Panel for Wales.

(1) A Welsh case tribunal which adjudicates on any matter must decide whether or not any person to which that matter relates has failed to comply with the code of conduct of the relevant authority concerned.

(2) Where a Welsh case tribunal decides that a person has not failed to comply with the code of conduct of the relevant authority concerned, it must give notice to that effect to the standards committee of the relevant authority concerned.

(3) Where a Welsh case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned, it must decide whether the nature of the failure is such that the person should be suspended or disqualified in accordance with subsection (4).

(4) A person may be—

- (a) suspended or partially suspended from being a member or co-opted member of the relevant authority concerned, or

(b) disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority.

(5) Where a Welsh case tribunal makes such a decision as is mentioned in subsection (4)(a), it must decide the period for which the person should be suspended or partially suspended (which must not exceed one year or, if shorter, the remainder of the person's term of office).

(6) Where a Welsh case tribunal makes such a decision as is mentioned in subsection (4)(b), it must decide the period for which the person should be disqualified (which must not exceed five years).

(7) Where a Welsh case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned but should not be suspended or disqualified as mentioned in subsection (4), it must give notice to the standards committee of the relevant authority concerned—

- (a) stating that the person has failed to comply with that code of conduct, and
- (b) specifying the details of that failure.

(8) Where a Welsh case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned and should be suspended or partially suspended as mentioned in subsection (4)(a), it must give notice to the standards committee of the relevant authority concerned—

- (a) stating that the person has failed to comply with that code of conduct,
- (b) specifying the details of that failure, and
- (c) stating that the person is suspended or partially suspended for the period, and in the way, which the tribunal has decided.

(9) The effect of a notice given to the standards committee of a relevant authority under subsection (8) is to suspend or partially suspend the person concerned as mentioned in subsection (8)(c).

(10) Where a Welsh case tribunal decides that a person has failed to comply with the code of conduct of the relevant authority concerned and should be disqualified as mentioned in subsection (4)(b), it must give notice to the standards committee of the relevant authority concerned—

- (a) stating that the person has failed to comply with that code of conduct,
- (b) specifying the details of that failure, and
- (c) stating that the person is disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority for the period which the tribunal has decided.

(11) The effect of a notice given to the standards committee of a relevant authority under subsection (10) is to disqualify the person concerned as mentioned in subsection (10)(c).

(12) A copy of any notice under this section—

- (a) must be given to the Public Services Ombudsman for Wales,
- (b) must be given to any person who is the subject of the decision to which the notice relates, and
- (c) must be published in one or more newspapers circulating in the area of the relevant authority concerned.

(13) Where the person concerned is no longer a member or co-opted member of the relevant authority concerned but is a member or co-opted member of another relevant authority—

- (a) a copy of any notice under subsection (2), (7) or (10) must also be given to the standards committee of that other relevant authority,
- (b) the reference in subsection (4)(a) to the relevant authority concerned is to be treated as a reference to that other relevant authority,
- (c) the duty to give notice to the standards committee of the relevant authority concerned under subsection (8) is to be treated as a duty—
 - (i) to give that notice to the standards committee of that other relevant authority, and
 - (ii) to give a copy of that notice to the standards committee of the relevant authority concerned,
- (d) the reference in subsection (12)(c) to the relevant authority concerned is to be treated as including a reference to that other relevant authority.

(14) A Welsh case tribunal must take reasonable steps to inform any person who made any allegation which gave rise to the adjudication of the decision of the Welsh case tribunal under this section.

(15) Where a Welsh case tribunal decides under this section that a person has failed to comply with the code of conduct of the relevant authority concerned, that person may appeal to the High Court against that decision, or any other decision under this section which relates to him.

(16) An appeal may not be brought under subsection (15) except with the leave of the High Court.

Localism Act 2011

The Localism Act only applies to candidates standing in England

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

34 Offences

- (1) A person commits an offence if, without reasonable excuse, the person—
- (a) fails to comply with an obligation imposed on the person by section 30(1) or 31(2), (3) or (7),
 - (b) participates in any discussion or vote in contravention of section 31(4), or
 - (c) takes any steps in contravention of section 31(8).
- (2) A person commits an offence if under section 30(1) or 31(2), (3) or (7) the person provides information that is false or misleading and the person—
- (a) knows that the information is false or misleading, or
 - (b) is reckless as to whether the information is true and not misleading.
- (3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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

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

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

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

(a) after the commission of the offence, or

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

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

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

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

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

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

(b) after "decision" insert " or order ".

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

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

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

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

(a) before "or by virtue of" insert " or section 34 of the Localism Act 2011 ", and

(b) after "that Act" insert " of 1998 or that section ".

