

# Elections 2019

## Frequently Asked Questions

Please note that this FAQ page should be read in conjunction with the FAQ page provided by the Local Government Association here: <https://www.local.gov.uk/our-support/purdah/frequently-asked-questions>.

**1. Can our Neighbourhood Planning Group continue to work on our Neighbourhood Plan during Purdah?**

Neighbourhood Planning is a council activity that cannot 'shut down' during electoral purdah restrictions, but extra care should be taken during this time of heightened sensitivity. The guidance provided by the Local Government Association says a council can continue to discharge normal council business (including determining planning applications, even if they are controversial).

**2. Can we hold our Annual Parish Meeting (APM) during purdah?**

The APM is not a council meeting but often involves the use of council resources to run it. We are seeking a view on this and will communicate asap to all councils, but in the majority of situations it is easiest to just hold the meeting outside of purdah.

**3. What would happen if someone put themselves forward but realised after 4th April that they could no longer stand due to unforeseen circumstances. Can they withdraw?**

Guidance provided by the Local Government Association confirms that:

*The withdrawal notice must be submitted by the deadline for withdrawals, (i.e. by 4pm on the 19th working day before the poll). After the withdrawal deadline it is not possible to withdraw from the election, and your name will appear on the ballot paper. If the election is uncontested, you will be declared elected.*

**4. Can our Town Mayor cut the ribbon at the opening of a new care home during purdah?**

*Guidance provided by the Local Government Association confirms that the answer to this is generally no. However if the timing of the event is unavoidable and postponing it would adversely affect local residents (for example the opening of the facility has been delayed by long-running work and postponing the opening will cause the council to lose income), you might choose to have the event hosted by a non-political spokesperson.*

**5. When can nomination papers be submitted?**

Nomination papers can be submitted from the date stated on the notice of election up to 4pm on the nineteenth working day before the election (3<sup>rd</sup> April). It must be the original signed documents that are submitted.

**6. When can we hold our annual meeting?**

The law requires annual meetings to be held on or within 14 days of an election. So 7<sup>th</sup> May is a possibility but in practice councils can only make that date if the election is uncontested due to the need to provide three clear days' notice.

**7. Does purdah apply to District and Borough Councillors?**

Yes, it applies to all local authority bodies.

**8. Should I stop my District Council attending our parish council meeting during Purdah?**

The general rule is that it is "business as usual". However, councils should be cautious about any attempt by councillors to use the meeting as a platform to promote themselves.

**9. My parish is warded. Can I stand for election on more than one ward?**

No. The guidance says that if you are validly nominated in more than one ward within the same parish you must withdraw from all wards but one by 4pm on the 19<sup>th</sup> working day before the poll. If you do not, then you will be deemed to have withdrawn from all wards.

**10. A person can meet one of the requirements for eligibility by living or working within three miles of the parish boundary. If my parish is warded is this rule affected?**

No – the only requirement set out in s.79 Local Government Act is that the candidate "has, during the whole of those twelve months resided either in the parish or community or within three miles of it". The same rule applies if the parish is warded, it doesn't matter what ward they stand in, it is the whole of the parish they can come from. However, the warded rule means that signatories on the nomination paper must be within the ward the candidate is standing in.

**11. When does a councillor have to complete their Declaration of Acceptance?**

The declaration must be delivered before or at the first meeting after the election (the annual council meeting) or, if permitted by the council at that meeting, at a later meeting fixed by the council. If a councillor fails to deliver the declaration at the due time, he or she will automatically vacate office.

**12. When does a councillor have to complete their Register of Interests?**

Every member is required to complete a register of disclosable pecuniary interests. Under the council's Code of Conduct (and the law) this register must be completed as soon as possible after election and no later than 28 days after taking office.

**13. Does the election fee charged depend on the number of wards a council has, i.e. would it be a different charge if only one ward contested compared to all being contested?**

Yes, it will change if it is just one ward contested. The fee is calculated using electorate and postal vote information as well as staff for all wards. So if only one ward is contested the fee charged will be calculated on the figures for this ward alone.

**14. What do councillors need to do about election expenses?**

The return and declaration of election expenses must be delivered to the Returning Officer. If a councillor fails to deliver the required information, he or she may be fined if they sit or vote on the Parish Council. If no expenses have been incurred councillors still need to submit a "nil" return.

**15. When does the purdah period start?**

For the elections on 2 May 2019, the latest date the pre-election period could start is 26 March 2019.