

Guide for Prospective Candidates

Malvern Hills Parish and Town Council Elections 2023

These notes are issued as an aid to anyone who is standing as a candidate in the parish and town council elections. They are issued as guidance only and should not be relied upon as legally definitive. Anyone in any doubt on specific points should seek further clarification.

February 2023

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INTRODUCTION FROM THE RETURNING OFFICER



Hello I'm **Andy Baldwin** and I am the Deputy Chief executive of Malvern Hills District Council and Returning Officer for the parish and town council elections taking place within the Malvern Hills District on Thursday 4 May 2023.

These elections will be taking place alongside the all-out elections for the district council, so we will therefore be processing a large number of nomination papers this year.

The Elections Team will of course endeavour to help you with any queries you may have during the election process, but this guidance along with the briefing we are holding will hopefully answer many of your initial queries. I would urge all candidates to familiarise themselves with the nomination process and perhaps

liaise with their parish clerk to take up the offer of an informal check of all the nomination papers for a parish or town council before formally submitting them.

This guide is not intended as an authoritative interpretation of the law, and candidates are advised to seek their own legal advice. I would also urge you to make reference to our webpage at www.malvern hills.gov.uk/elections which will provide you with information throughout the election process. All relevant notices will be published on that page and sent to the parish clerks, and this should be your first port of call, as with so many elections taking place, it will be quicker to find out who you are standing against online or via your clerk, rather than trying to telephone a member of the Elections Team.

In addition to the guidance produced by Malvern Hills District Council, the Electoral Commission has provided information on how to stand as a candidate, conduct a campaign, and account for all spending. As the Returning Officer, may I urge all candidates to familiarise themselves with the Electoral Commission's guidance documents, which can be found at from the "Standing for Election" tab at www.electoralcommission.org.uk

How to contact Malvern Hills District Council

For Members of the Public

The following details can be passed on to members of the public who have any queries:

Office Address	The Council House, Avenue Road, Malvern, WR14 3AF
Telephone Number	01684 862200
E-Mail Queries	elections@malvernhills.gov.uk
Website	www.malvernhills.gov.uk

For Candidates

The following details are reserved for Candidates only and must NOT be passed on to members of the public:

The Elections Team

Natasha Rich	01684 862339	Natasha.rich@malvernhills.gov.uk
Jake Griffiths	01684 862259	Jake.griffiths@malvernhills.gov.uk
Tom Goodwin	01684862155	Tom.goodwin@malvernhills.gov.uk

Returning Officer's Office:

Katie Vass	01684 862212	Katie.vass@malvernhills.gov.uk
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Other useful contacts

Electoral Commission's Midlands Office:

Chris Hinde	0333 103 1928	infoengland@electoralcommission.org.uk
https://www.electoralcommission.org.uk/i-am-a/candidate-or-agent		

Voter Registration: www.gov.uk/register-to-vote

Voter Authority Certificate (Voter ID): [Apply for photo ID to vote \(called a 'Voter Authority Certificate'\) - GOV.UK \(www.gov.uk\)](#)

Parish Election Timetable of Proceedings for Thursday 4 May 2023

Publication of Notice of Election	Monday 20 March 2023
Receipt of Nominations	4pm Tuesday 4 April 2023
Withdrawal of candidate	4pm Tuesday 4 April 2023
Publication of Statements of Persons Nominated	4pm Wednesday 5 April 2023
First Postal Vote Despatch	Friday 14 April 2023
Last Date for Registration	Monday 17 April 2023
Last day for new Postal Vote Applications, or to amend or cancel an existing Postal or Proxy Vote	5pm Tuesday 18 April 2023
Second Postal Vote Despatch	Monday 24 April 2023
Receipt of new Proxy Vote Applications	5pm Tuesday 25 April 2023
Receipt of Voter Authority Certificate Applications	5pm Tuesday 25 April 2023
Appointment of Poll and Count Agents	Wednesday 26 April 2023
Day of Poll	7am to 10pm Thursday 4 May 2023
Receipt of Emergency Proxy Vote Applications	5pm Thursday 4 May 2023
Verification and Count	9am Friday 5 May 2023
Declaration of Candidates Expenses	Thursday 1 June 2023

Dated 1 January 2023

Town & Parish Councils in the Malvern Hills District

Election of Councillors

for the Town & Parish Councils listed below

Electoral Divisions	Number of Councillors to be elected
Abberley	Nine
Alfrick	Seven
Astley and Dunley	Nine
Bayton	Seven
Berrow	Seven
Birtsmorton	Seven
Bockleton	Three
Bransford	Three
Broadwas	Five
Bushley	Seven
Castlemorton	Nine
Clifton on Teme	Seven
Cotheridge	Four
Croome D'Abitot	Three
Doddenham	Five
Earls Croome	Seven
Eastham	Seven
Eldersfield	Nine
Great Witley	Seven
Grimley	Nine
Guarlford	Seven
Hallow	Eleven
Hanley	Seven
Hanley Castle	Eight
Hill Croome	Five
Hillhampton	Two
Holdfast	One
Holt	Seven
Kempsey	Thirteen
Kenswick	Two
Knighton on Teme	Nine
Knightwick	Three
Kyre	Five
Leigh	Eight
Lindridge	Nine
Little Malvern	Two
Little Witley	Seven
Longdon	Seven
Lower Broadheath	Eleven
Lulsley	Two
Madresfield	Five
Malvern Town – Chase Ward	Four
Malvern Town – Great Malvern	Three
Malvern Town – Link Ward	Four
Malvern Town – Lygon	One
Malvern Town – Pickersleigh Ward	Two

Malvern Town – Pound Bank	One
Malvern Town – St Joseph's	One
Malvern Town – Upper Howsell	Two
Malvern Town – West	Two
Malvern Wells – All Saints Ward	Six
Malvern Wells – St Peters Ward	Seven
Mamble	Five
Martley	Nine
Newland	Seven
Pendock	Seven
Pensax	Seven
Powick – Callow End Ward	Seven
Powick – Powick Ward	Eight
Queenhill	One
Ripple	Nine
Rochford	Five
Rushwick	Nine
Severn Stoke	Nine
Shelsley Beauchamp	Four
Shelsley Kings	Four
Shelsley Walsh	One
Shrawley	Seven
Stoke Bliss	Seven
Suckley	Nine
Tenbury Town – St Michaels Ward	Two
Tenbury Town – Town Ward	Eleven
Upton upon Severn Town – Hook Ward	Two
Upton upon Severn Town – Longdon Heath Ward	Four
Upton upon Severn Town – Town Ward	Nine
Welland	Nine
West Malvern	Seven
Wichenford	Seven

NOMINATION PROCESS

To be eligible to stand as a parish or town councillor, you **must** be:

- Aged 18 or over on the day your nomination papers are submitted
- Either a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union

Secondly, you **must** meet at least one of the following qualifications:

- a. You are, and will continue to be, registered as a local government elector for the parish in which you wish to stand from the day of your nomination onwards.
- b. You have occupied as owner or tenant any land or other premises in the parish area during the whole of the 12 months before the day of your nomination and the day of election.
- c. Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the parish area.
- d. You have lived in the parish area or within three miles of it during the whole of the 12 months before the day of your nomination and the day of election.

If you qualify under more than one heading, it is good practice to include all those which apply.

You will be **unable** to stand as a candidate if:

- i. You are employed by the parish/community council or hold a paid office under the parish/community council (including joint boards or committees); or
- ii. You are the subject of a bankruptcy restrictions order or interim order; or
- iii. You have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day; or
- iv. You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices).
- v. **NEW** - You are subject to the notification requirement of or under Part 2 of the Sexual Offences Act 2003, and the ordinary period allowed for making an appeal or application in respect of the order or notification has passed.

A person may also be disqualified from being or becoming a member of certain authorities following a conviction under the Localism Act 2011.

Please note the above list of disqualifications is not comprehensive. Full details can be obtained online from the Electoral Commission at www.electoralcommission.org.uk

The Elections Team and Malvern Hills District Council cannot provide advice as to whether you are qualified or disqualified. If you are unsure visit the Electoral Commissions website or seek independent legal advice.

The period of office for councillors elected in May 2023 is four years. Should a by-election be called during that period of office, the newly-elected councillor will remain in office only for the remainder of the original four year term.

SUBMITTING A NOMINATION PAPER

The first stage in running for election is to submit a nomination paper. Nomination papers are available from www.malvern hills.gov.uk/voting-and-elections paper copies are available from the Returning Officer or your parish clerk.

Great care should be taken in the completion of nomination papers to ensure that they are not ruled to be invalid

Guidance on the completion of nomination papers is available from www.electoralcommission.org.uk/i-am-a/candidate-or-agent/parish-council-elections-england

Candidates are advised to ensure that nomination papers are free of errors and crossings out. Correction fluids are not recommended and could result in a nomination paper being declared invalid.

SUBSCRIBERS & ELECTOR NUMBERS

Nomination papers must be subscribed (signed) by 2 electors on the local government electoral register in the parish, or parish ward if the parish is warded.

A candidate or their friends and family may subscribe the nomination paper so long as they are local government electors registered in the parish (or parish ward where warded). Subscribers should not sign more forms than the number of vacancies for the parish/parish ward.

The Elector Numbers of subscribers must be provided on nomination papers. In Malvern Hills, elector numbers change annually and have 2 parts; the polling district code (eg. MBG4) and the elector number (eg. 451). Combined, the elector number appears as MBG4-451. Some elector numbers also have an additional number, for example MBG4-451/1. Please include the whole elector number on your nomination paper.

Elector numbers are printed on poll cards or can be found by searching a copy of the Electoral Register. A copy of the Electoral Register is available for public inspection at The Council House. Candidates at this election are entitled to a copy of the Electoral Register from Monday 27th March 2023. If you are already a sitting councillor, or you are a member of a local political party, you may be entitled to request a copy of the register earlier, please contact Electoral Services for further information.

This is not a complete guide to subscribers, please see part 2a and part 2b information on the Electoral Commissions website for further information [Parish council elections in England | Electoral Commission](#)

WHERE TO SUBMIT YOUR NOMINATION PAPERS

Nomination Papers must be delivered by hand to the Returning Officer at the Council Chamber, the Council House, Avenue Road, Malvern, WR14 3AF between 10am and 4pm on any working day (excluding bank holidays) from the publication of the Notice of Election on Monday 20 March 2023 until **4pm on Tuesday 4 April 2023**.

You are strongly advised to book an informal check of your papers before formally submitting them in order to prevent the rejection of your nomination if it is found to be incorrectly completed. In any case, the Nomination Paper and Consent to Nomination **MUST** be delivered by hand, ideally either as a bulk delivery by the Parish Clerk, or by the individual candidate.

Informal checks can be booked in advance with the Deputy Returning Officer by telephoning 01684 862212 or emailing elections@malvern hills.gov.uk where an available slot will be agreed.

The location for handing in nomination papers is The Council Chamber, Council House, Avenue Road, Malvern, WR14 3AF.

CLOSE OF NOMINATIONS

The nomination period will close at **4pm precisely on Tuesday 4 April 2023** and the Election Office will be locked down. Whilst all nomination papers will have been formally lodged, the team will then go through the process of making final checks before producing the Statements of Persons Nominated and data for ballot papers for every district electoral ward and the town/parish councils.

Please do not contact the Elections Team to check who you are standing against. A Statement of Persons Nominated for each area will be published on the Council's website as soon as it becomes available, and no later than 4pm on Wednesday 5 April 2023. When viewing the website, we would recommend candidates press the "refresh" button, to ensure that they have the most up-to-date webpage on screen. Please refer to www.malvern hills.gov.uk/elections for further information and to view any statutory notices.

WITHDRAWAL OF CANDIDATURE

Any candidate wishing to withdraw their candidature must do so in writing and deliver this to The Returning Officer, Room F7, Council House, Avenue Road, Malvern, WR14 3AF.

It must be signed by the candidate and one witness and must be received no later than **4pm on Tuesday 4 April 2023**.

UNCONTESTED ELECTIONS

If at 4pm on 4 April, the number of people remaining validly nominated does not exceed the number of Councillors to be elected, such people will be declared to be elected as soon as possible after the latest time for the delivery of withdrawals. The Returning Officer will give notice of their names to the Town/Parish Clerk and to the public.

If there are not enough candidates to fill all the vacancies, the Representation of the People Act 1985, Section 21 allows the elected members, provided there is a quorum (i.e. – one third of the whole number of members with a minimum of three) to co-opt members to fill the remaining vacancies.

If the Town/Parish Council fails to exercise the power to co-opt within seven weeks (35 days computed as under paragraph 3) or if there is no quorum, Malvern Hills District Council may order a fresh election to properly constitute the Town/Parish Council.

CONTESTED ELECTIONS

If at 4pm on Tuesday 4 April, the number of people remaining validly nominated exceeds the number of Councillors to be elected, the poll will be held on Thursday 4 May 2023.

POLLING DAY

HOURS OF POLL

The hours of poll will be 7.00am to 10.00pm inclusive.

POLLING STATIONS

The location of polling stations will be published on the appropriate Notices of Poll, as well as appearing on the Council's website.

Please note that entry to polling stations is restricted to the following parties only:-

- The Returning Officer and his appointed staff
- The Presiding Officer and Poll Clerk(s)
- Voters (and any persons assisting a voter with disabilities)
- Candidate
- Election Agent
- Polling Agent
- Electoral Commission's Accredited Observers
- Police Officers
- Children under the age of 18, accompanying voters

VOTER ID

The government has introduced the requirement for electors to show photo ID before they can vote in person in a polling station. The election on Thursday 4 May will be the first time electors have been asked to provide ID for voting in Malvern Hills.

A list of suitable Photo ID is available from <https://www.electoralcommission.org.uk/i-am-a/voter/voter-id> .

The requirement to show photo ID will be communicated with electors at both a local and national level, including TV and radio campaigns, letters to electors and information on the poll card. Additional staff have been recruited to assist voters at polling stations and mitigation measures have been put in place, but please allow polling station staff extra time and space to handle any queries or issues.

POSTAL VOTE OPENING

Around 15% of voters in Malvern Hills vote by post. Postal votes will be despatched around Friday 14 April 2023. Postal vote opening will take place in the Council Chamber, Malvern Hills District Council, Avenue Road, Malvern WR14 3AF, daily from Monday 24 April 2023. Further information about attending postal vote opening as a candidate and appointing Postal Vote Agents will be circulated after close of nomination when we know which parishes are contested.

THE COUNT

The venue for the verification and count will be The Bank House Hotel, Bransford, Worcester, WR6 5JD. **Further details about the verification and counting of votes will**

be supplied separately after the candidate is validly nominated and it is known that the poll will be contested.

The provisional timetable is as follows:-

- **Thursday 4 May at 10pm**
Polling stations close, ballot box reception at the Bank House Hotel and ballot boxes are stored securely overnight.
- **Friday 5 May 9:00am**
Counting of all contested district wards followed by counting the town and parish ballot papers.

ENTRY TO THE VERIFICATION AND COUNT

Those people attending **must** present their letter of admittance prior to gaining entry to the hall where the verification/count is taking place. Movements of candidates and their agents will be restricted to certain areas only within the hall(s) used for the verification/count.

Those attending the Count will be able to buy refreshments from the bar at the Bank House Hotel. However it is imperative that no food or drink is brought into the hall where the verification and counting of votes is taking place.

POST-ELECTION MATTERS

DECLARATION OF ACCEPTANCE OF OFFICE

Successful candidates are not permitted to act as a Councillor until they have made a Declaration of Acceptance of Office. A person elected to the office of a Town or Parish Councillor must make this Declaration at or before the first meeting of that Council following their election, or with the prior agreement of the Council, at an alternative time. If you are elected your contact details will be passed to the Town/Parish Clerk to enable them to contact you about these arrangements.

Failure to do this will mean their office will become vacant (Local Government Act 1972, Section 83). The person making the declaration is required to observe the Code of Conduct adopted by the Town/Parish Council.

ANNUAL MEETING

A Town/Parish Council must hold an annual meeting each year on any day in May they choose. The annual meeting must be held on, or within fourteen days after, the day the new Councillors take office (i.e. the fourth day after the day of the election (usually a Monday).

CORRUPT AND ILLEGAL PRACTICES

There are a number of corrupt and illegal practices that candidates should be aware of. Broadly speaking, a corrupt practice involves bribing or using undue influence to obtain votes. An illegal practice might involve the making of a false statement about the personal character or conduct of another candidate, or paying others to canvass, display notices or pay for transport for voters to and from the polling station. **Failing to display the names and addresses of the publisher or printer on any election material is also an illegal practice.**

ELECTION EXPENSES

Comprehensive guidance on Election Expenses is contained in the Electoral Commission's "Guidance for Candidates and Agents" – Part 3. A copy of this guidance will be supplied to all parish clerks and candidates.

Please note that election expenses are **not** reimbursed, however there are limits on the amount that can be spent and every candidate must submit an expenses return within 28 calendar days of the date of the election – even candidates who have spent nothing on their campaign.

To assist you with planning your campaign, we can provide you with the statistics for the Register of Electors as at the publication of the notice of election from the register published on 1 March.

Further copies of the expenses forms can be obtained from the Electoral Commission's website at: <http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/local-elections-england-and-wales>

Expenses and the necessary Agent's and Candidate's Declarations shall be delivered to the Returning Officer **within 28 calendar days after the day of election.**

It is neither the role nor responsibility of the Returning Officer's staff to provide guidance/advice on the completion of the returns and declarations. The submission of these forms is a legal requirement, and a record of all such returns and declarations are held by the Returning Officer's staff for public inspection for a period of two years.

The expense limits in force for these elections are £806 plus 7p per elector in the parish/town or ward for the register in force on 1 March 2023.

PARISH/TOWN COUNCIL ELECTIONS 2023

MALVERN HILLS DISTRICT COUNCIL

Notices of Time and Place for Local Key Events Given to Agents and Candidates at the Election

Event	Notice Given in Accordance with	Time and Place	Number of Agents who may attend
Polling Agents	Schedule 1, Rule 30		<p>Not more than one polling agent may be admitted at the same time to a polling station on behalf of the same candidate.</p> <p>Notice of appointment to be given to the Returning Officer by close of office on Wednesday 26 April.</p>
Opening of the Postal Votes	Schedule 2, Rules 45, 56	<p>The Council Chamber, Council House, Avenue Road, Malvern, WR14 3AF</p> <p>Opening Sessions: Daily on each working day from 24 April to 3 May from 9:30am. (Openings may be cancelled at short notice if there are insufficient postal votes returned).</p> <p>A final opening at the Count Venue from 4pm on Thursday 4 May.</p> <p>Top-slitting of Covering Envelopes (contents <u>not</u> removed): This will commence 30 minutes before each official opening session begins.</p>	<p>Notice of appointment to be given to the Returning Officer <u>before the start of the opening session.</u></p>
Counting of the Votes	Schedule 1, Rule 30	Verification and Count from 9am Friday 5 May	<p>TO BE CONFIRMED AT CLOSE OF NOMINATIONS</p> <p>Notice of appointment to be given to the Returning Officer by close of office on Wednesday 26 April</p>

POSTERS AND FLY-POSTING

1. Introduction

- To display any advert on private land, you need permission from the site-owner and in most cases planning permission, which may not always be granted. Signs on the highway, however, are illegal and could result in prosecution with fines of up to £2,500 per sign, plus compensation costs to cover the removal of signs and the repair of any damage.
- Under the Highways Act 1980, Town and Country Planning Act 1990, Town and Country Planning (Control of Advertisements) Regulations 1992, Anti-Social Behaviour Act 2003, Clean Neighbourhoods & Environment Act 2005, and the Local Government Act 1972, the Council can immediately remove or place 'Cancelled' notices on unauthorised advertisements.

2. At Elections

- The Council does not permit any posters on Council owned buildings, vehicles or street 'furniture', except where they form part of the Polling Station.