

Spital Ward By-election – Thursday 3 February 2022

- 1. Returning Officer's Information for Candidates**
- 2. Pre-election Period Letter**
- 3. Election Timetable**
- 4. Requirement of Secrecy**
- 5. Guidance for Candidates and Agents:**

The Full Electoral Commission guidance can be found [here](#).

[Overview Document](#)

- 1) [Can you stand for Election?](#)
- 2a) [Standing as an independent candidate](#)
- 2b) [Standing as a party candidate](#)
- 3) [Spending and Donations](#)
- 4) [The Campaign](#)
- 5) [Your right to attend key electoral events](#)
- 6) [After the declaration of results](#)

- 6. Election Posters and Street Furniture**
- 7. Polling Stations**
- 8. Nomination Pack – please see separate pack**

Spital Ward By-election – Thursday 3 February 2022

Information for Candidates

1. Introduction

This pack is prepared for candidates and agents it contains documentation and information relating to the Spital ward by-election taking place within the Borough of Tamworth. Whilst my colleagues and I will be as helpful as possible, it is the duty of the Returning Officer to conduct the elections taking place within the Borough in accordance with the appropriate laws, rules and regulations. You need to be aware that it is your responsibility to comply with the law, rules and regulations at all times.

2. Electoral Services

All communications should be sent or delivered to:

The Returning Officer
Tamworth Borough Council
Marmion House
Lichfield Street
Tamworth
Staffordshire
B79 9BZ

Telephone: 01827 214155

Email: elections@tamworth.gov.uk

General queries regarding the election process and the Register of Electors should be made to this office.

Specific queries regarding the nomination process should be directed to:

Bernie Flanagan (Electoral Services Manager)
Telephone: 01827 709263
Email: bernadette-flanagan@tamworth.gov.uk

3. Enclosures (see Index attached to this document)

Timetable

A copy of the timetable is enclosed, and particular attention is drawn to the times and dates it contains. These will be adhered to absolutely.

Nomination Papers/Candidate's Consent to Nomination/Registration of Political Parties

This should be completed in accordance with the notes contained in it. If you make an error during completion, it is in order to make an amendment and initial it. Amendments should **not** however be made to the candidate's details once the paper has been subscribed. Please pay particular attention to the recent legislation on commonly used names as detailed in the notes and also in the guidance from the Electoral Commission.

I will only accept the original completed paper. Scanned, faxed or photocopies of the paper will **not** be accepted.

The candidate's consent to nomination **must** be completed at the same time as the nomination paper. Please note the requirement for your date of birth. Please note that anyone can witness the consent because they are only witnessing a signature. **Also, if you qualify for more than one criterion you are advised to complete those sections as well.**

Appointment of Election Agent

This part of the form should be completed and be delivered at the same time as the nomination paper. Any candidate **not** completing this section (and delivering) will be deemed to be their own agent.

Your attention is drawn to this section and a reminder on the Registration of Political Parties Act 1998, as amended by the Political Parties, Elections and Referendums Act 2000, on the use of description and a registered party emblem. You are advised to consult any local political party you may be a member of.

Requirement for Secrecy – Extract from Section 66 of the Representation of the People Act 1983, as amended

A copy of the above is enclosed. People who work on behalf of a candidate at election time and those who accompany or represent the candidate at a polling station or count need to be aware of the requirement for secrecy as set out in this extract. **Please photocopy and distribute as necessary.**

Register of Electors

As a candidate you are entitled to one free copy of the current electoral register for the electoral area you are standing in. A copy of which can be supplied upon written request by the candidate. The register is the one in force from 1 December 2021. However, the deadline for registering in time for this election is not until Tuesday 18 January 2022. Any registration applications received up to this deadline will be included in the register for the polling station.

Candidate's Guide

A link to the Electoral Commissions, "Guidance for Candidates & Agents" can be found on the front page of this pack.

Display of Election Posters – Codes of Practice

Enclosed is the County Council's letter about **NOT** displaying any election material in or on the public highway, including street furniture such as lamp posts. **Please ensure that all your helpers associated with the election observe these rules.**

Role of Tellers

Please refer to the note about tellers at polling stations and guidance within the Electoral Commission's Guide.

Due to the current circumstance with COVID-19 tellers will be unable to stand within any building being used for polling purposes.

Method of Election

If the number of valid nominations received exceeds the number of seats vacant, a poll will be held on Thursday 3 February 2022.

The remainder of these notes deal with election by polling.

Poll Cards

When elections are contested the issue of poll cards is mandatory. Poll cards will be issued before postal/proxy vote deadlines, reminding the public of these dates. Cards will be distributed from Monday 10 January 2022.

Absent Voting

Please note that the Electoral Registration Officer must capture personal identifiers i.e., signature and date of birth in a standard format for all absent voters. Consequently, you are advised to pass all requests for postal and proxy votes to the Electoral Services Office for us to print off a personalised application form in the desired format to then post directly to the elector. Alternatively, blank absent vote applications are available on our website and the Electoral Commission website for downloading.

All absent voters will be sent a poll card. It is a legal requirement to send this poll card which reminds the elector of this facility, the proposed date, the ballot papers being sent (if a postal voter) and how to cancel their postal/proxy vote if they wish to do so.

Postal Vote deadline – 5pm on Wednesday 19 January 2022

Proxy Vote deadline – 5pm on Wednesday 26 January 2022

Polling Stations

I enclose a list of the 6 polling stations we have booked for this election.

4. Delivery of Nomination Papers

Please note that there are new form layouts and forms.

The earliest date for delivery is **Wednesday 29 December 2021**. The papers should be delivered by hand to the address shown on the Notice of Election and in accordance with the timetable and before the last time for delivery i.e., **4pm on Friday 7 January 2022**. This is an absolute deadline, and any papers received after this, even by a few minutes will be invalid.

An informal check of nomination paper details will be carried out prior to formal submission, and this will take place whilst you wait. It is advised that an appointment is arranged to complete this process. A formal validity letter will follow to the candidate.

All nomination papers must be delivered by hand.

The Statement of Persons Nominated will be published as soon as possible following the close of nominations but not later than 4pm on Monday 10 January 2022. These will be displayed at the Council Offices and be posted along with other articles on the Council's website - www.tamworth.gov.uk/elections-2022

5. Inspection of Nomination Papers

Nomination papers will be available for public inspection at the Electoral Services Office during office hours on any working day from the close of nominations up to and including the day before polling day.

6. Withdrawal of Candidature

If, you wish to withdraw your candidature a notice is enclosed for completion in such circumstances. Please note that the deadline is **4pm on Friday 7 January 2022**.

7. Count Centre

The verification and count will take place at 11am on Friday 4 February 2022 at:

Tamworth Borough Council
Marmion House
Lichfield Street
Tamworth
Staffordshire
B79 7BZ

Tickets will be issued for attendance at the verification and count processes for those duly appointed or legally entitled to be present. Tickets will be posted from **Friday 28 January 2022**. We shall only issue tickets to any names that have been formally notified to us. Please note that there will be restricted numbers allowed at the venue.

8. Contested Election Provisions

Postal Ballot Papers – Issue

For your information postal ballot papers will be issued from **Friday 21 January 2022**. Under current legislation only the Returning Officer and his staff are entitled to attend the issue of postal ballot papers.

Postal Ballot Paper – Opening

Please refer to the Postal Vote Timetable below.

You are legally entitled to attend – please complete and return the appropriate form if you wish to appoint an agent in addition to attending yourself. Numbers will be strictly controlled, so please inform us should you wish to attend.

Each stage will involve a scanning and checking process of the personal identifiers (i.e., signature and date of birth) given on the security statement using our computer system.

Please note – ballot papers will be kept face down at all times. All sessions will be held on the 1st Floor at the Council Offices, Tamworth unless otherwise stated. We intend to pre- slit the outer envelope prior to opening. **You will not be allowed to make any tally charts.**

Dates & Times for the Opening of Postal Votes

Session No	Date	Time
TR	Wednesday 2 February	9:30am for Training
1		10:00am to 5:00pm
2	Thursday 3 February	10:00am to 1:00pm
3		From 8pm

Agents are requested to contact the Electoral Services Office to confirm whether opening sessions they wish to attend are going ahead.

9. Post-Election Procedures

Acceptance of Office

Successful candidates are required to positively accept the office of councillor by making a declaration of acceptance of office.

Appointments with Tamworth Borough Council's Chief Executive, Andrew Barratt can be arranged by contacting Sue Wilson on 01827 709313 or sue.wilson@tamworth.gov.uk

Candidate Expense Returns

Candidate Expense Returns must be completed and submitted within 35 days of the declaration of result. Facsimiles/scanned copies are not acceptable. The completed forms should be sent to:

Expenses relating to the Tamworth Borough elections need to be made to:

Bernie Flanagan
Electoral Services Manager
Tamworth Borough Council
Marmion House
Lichfield Street
Tamworth
Staffordshire
B79 7BZ

Guidance for Members and Officers on the Pre-Election ('Purdah') Period Wednesday 29 December 2022 to Thursday 3 February 2022

The Spital Ward by-election within Tamworth Borough will take place on Thursday 3 February 2022. This Guidance Note has been produced to offer advice to Members and Officers in respect of publicity and other related matters during the pre-election period which commences on Wednesday 29 December 2022.

Publicity

The Code of Recommended Practice on Local authority publicity (*the Code*) must be followed and places a number of restrictions upon the Council during the pre-election period. The Code can be found here:

[A short guide to publicity during the pre-election period | Local Government Association](#)

The Code prevents the Council from issuing any publicity that would be seen to support or promote individual candidates, groups or political parties involved in an election campaign or attempt to influence voters.

The key points to be aware of in the Code are:

33. Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums – see paragraphs 7 to 9 of this code. It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during this period to avoid breaching any legal restrictions.

34. During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.

35. In general, local authorities should not issue any publicity which seeks to influence voters.

The LGA have also issued some helpful guidance for Councillors that is available here [Pre-election period | Local Government Association](#)

All Local Authorities in England and Wales are under a duty to have regard at all times to the Code.

Use of Council Resources

During the pre-election period, council resources will only be used in support of, and in connection with, day to day 'business as usual' activities.

Decision making

In relation to decision making, the position remains that it is 'business as usual'. Case law has made it clear that even controversial planning applications can be considered by a Council's planning Committee, during the pre-election period.

In the vast majority of cases, the pre-election period will have no impact on normal council business.

What can still be done?

- The Council must continue with supporting day-to-day business and therefore formal meetings such as Cabinet, Scrutiny Boards and other meetings prescribed by the Constitution can still be convened, but care must be taken to ensure that agendas do not offer any perceived political gain.
- Individual Cabinet Member decisions can still be taken.
- Public scrutiny of council decisions.
- Officers can continue to make decisions in accordance with the delegated powers.
- Consultations, launches and other public events can still take place, but the attendance of election candidates should be avoided and any resulting publicity will be purely factual in content.
- Members holding key positions are able to comment within the Council's own publicity only in an emergency or in response to an issue which arises outside of the Council's control, for example, comment on a public safety incident.

What cannot be done?

- The Council's resources, including powers and facilities, cannot be used for electoral campaigning or political purposes. The Council's headed stationery, logo and other related designs must not be used or appear in any election related campaign material.
- There will be no publicity issued which supports, or appears to support, any individual candidates, groups or political parties involved in an election campaign or which seeks to influence voters.

- Council resources, including Officer time, must not be used to prepare any party-political information including newsletters, leaflets, photos, banners, badges, voter lists, canvassing maps.
- Members and Officers Council e-mail addresses (@tamworth.gov.uk), any council provided computer hardware and software and council provided data networks (in the council offices or at home) including smartphones must not be used for anything other than in the support and promotion of day-to-day council business. They must not be used to promote any political campaign or electioneering activity.
- There will be no publicity issued across any Council format or channel which supports, or appears to support, any individual candidates, groups or political parties involved in an election campaign or which seeks to influence voters. Council channels include, but are not restricted to, social media, public relations, printed materials, e-bulletins and pages on our website. Where messages are issued by Council officers via social media, Members should refrain from commenting on those messages or, in the case of Twitter, of forwarding (or 're-tweeting') those messages and adding personal comment.
- Party political information and / or campaign material must not be displayed in, or on, any council property including the Council House, street furniture or vehicles.

In the event of a query

If Members or Officers have any questions regarding this guidance or in relation to particular circumstances, they should contact:

Nicola Hesketh, Monitoring Officer on 01827 709266
nicola-hesketh@tamworth.gov.uk

December 2021

Timetable for local elections taking place in Tamworth on Thursday 3 February 2022.

This timetable covers the following polls taking place on Thursday 3 February 2022:

- local government principal area elections (i.e., district, borough, county borough and unitary authority elections)
- parish council elections
- local authority mayoral elections in England
- any combined authority mayoral elections in England

The days which are disregarded in calculating the timetable are Saturday, Sunday, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, bank holidays and any day appointed for public thanksgiving or mourning.

Please be aware that the timetable may change in the event of days being appointed for public thanksgiving or mourning.

Date	Event	Extra Information
Wednesday 29 December	Notice of Election Published	Will be displayed in main Reception area and on website
Wednesday 29 December to Friday 7 January 2022.	Nominations for Tamworth Borough Council Elections	Nominations will be taken daily between 10am and 4pm. Please make an appointment by calling 01827 709263 or by emailing candidates&agents@tamworth.gov.uk Nomination Forms will be available to download from www.tamworth.gov.uk/elections-2022 after the briefing has taken place on Thursday 23 December alternatively you can access them on the Electoral Commission's website .
Friday 7 January	DEADLINE for receipt of Nomination Papers (4pm)	
	DEADLINE for withdrawal of candidature (4pm)	
	DEADLINE of Appointment of Election Agents	
	Publication of Notice of Election Agents	Will be displayed in main Reception area and on website.
Monday 10 January	Publish Statement of Persons Nominated (no later 4pm)	Will be displayed in main Reception area and on website
	Poll cards posted today	
Tuesday 18 January	DEADLINE for receipt of registrations (Midnight)	
Wednesday 19 January	DEADLINE for receipt of new postal vote applications (5pm)	
	DEADLINE to amend or cancel an existing proxy or postal vote (5pm)	

Date	Event	Extra Information
	DEADLINE to apply for a postal-proxy (5pm)	
Friday 21 January	All postal vote packs posted today 1 st class	
Wednesday 26 January	DEADLINE to publish Notice of Poll	Will be displayed in main Reception area and on website.
	DEADLINE to apply to vote by proxy (5pm)	
Thursday 27 January	DEADLINE for Appointments of Polling and Counting Agents.	
Friday 28 January	First day to reissue lost/spoilt postal vote packs.	
Thursday 3 February	Polling Day (7am to 10pm)	The verification and counting of ballot papers will take place at 11am on Friday 4 February 2021 at Tamworth Borough Council, Marmion House, Lichfield Street, Tamworth, Staffordshire, B79 7BZ
	DEADLINE for receipt of Emergency Proxy Vote Applications (5pm)	<p>The emergency MUST have occurred after 5pm on Wednesday 26 January.</p> <p>If after 5pm on Wednesday 26 January, the elector is unable to vote in person because they:</p> <ul style="list-style-type: none"> • Have a medical emergency that occurred after 5pm on Wednesday 26 January, or • Learnt that they cannot go to the polling station because of work reasons that occurred after 5pm on Wednesday 26 January.
	DEADLINE to reissue lost/spoilt Postal Vote Packs (5pm)	
+35 days from Declaration (This will be either Thursday 10 March or Friday 11 March)	DEADLINE to submit candidates' expenses	<p>Please see the Electoral Commission website for further guidance.</p> <p>Election expenses should be sent to:</p> <p>Tamworth Borough Council Elections: Bernie Flanagan Electoral Services Manager Tamworth Borough Council Marmion House Lichfield Street Tamworth Staffordshire B79 7BZ</p>

REQUIREMENT OF SECRECY

These provisions concern the maintaining of secrecy of the voting and should be read carefully before you attend at any polling station, the issue or receipt of ballot papers for persons voting by post or at the counting of the votes.

Representation of the People Act, 1983 – Section 66, as amended

- (1) The following persons-
- (a) every Returning Officer and every presiding officer or clerk attending at a polling station,
 - (b) every candidate or election agent or polling agent so attending,
 - (c) every person so attending by virtue of any sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,
- shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to –
- (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
 - (ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
 - (iii) the official mark.
- (2) Every person attending at the counting of votes shall maintain and aid in the maintaining of secrecy of voting and shall not –
- (a) ascertain or attempt to ascertain at the counting of votes the number or other unique identifying mark on the back of any ballot paper;
 - (b) communicate any information obtained at the counting of votes as to the candidate for whom any vote is given on a particular ballot paper.
- (3) No person shall-
- (a) interfere with or attempt to interfere with a voter when recording his vote;
 - (b) otherwise obtain or attempt to obtain in a polling station information as to the referendum answer or the way for which a voter in that station is about to vote or has voted;
 - (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a voter at that station.
 - (d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.
- (4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not–
- (a) except for some purposes authorised by law, communicate, before the poll is closed, to any person any information obtained at these proceedings as to the official mark; or
 - (b) except for some purpose authorised by law, communicate to any person at any time any information obtained at these proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person; or
 - (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper; or
 - (d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given or the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at these proceedings.
- (5) No person having undertaken to assist a voter with disabilities to vote shall communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given for the use of that voter.
- (6) If a person acts in contravention of this section he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.

Guidance for Candidates and Agents

The Full Electoral Commission guidance can be found [here](#).

[Overview Document](#)

- 1) [Can you stand for Election?](#)
- 2a) [Standing as an independent candidate](#)
- 2b) [Standing as a party candidate](#)
- 7) [Spending and Donations](#)
- 8) [The Campaign](#)
- 9) [Your right to attend key electoral events](#)
- 10) [After the declaration of results](#)

My Ref: JT/JP**Your Ref:****Date:** As issued

Dear Sir or Madam

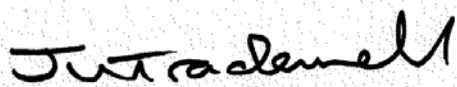
Local Elections taking place in 2021 and early 2022 relating to the Posting of Election Materials on Street Lighting/Street Furniture

As campaigning begins, I'm writing to formally notify you of the County Council's policy on the placing of election posters and material on County Council owned street lighting columns and signs:

As the Highway Authority, the County Council does not allow the use of street lighting and street furniture for the display of election posters or materials. It does not give any permission to any person or body to place election posters, or other election material, on street lighting columns, traffic signs and other street furniture or otherwise place such material within highway limits. Consequently, any signs or posters erected without permission are liable to be removed and the Election Agent charged with the cost of removal.

I hope that this clearly explains the County Council's position and thank you in anticipation of your co-operation.

Yours faithfully



John Tradewell

Director of Strategy, Governance and Change

Polling Stations

	Polling Station Number	PD Ref(s)	Polling Station Address	Notes
Spital Ward	1	SP1	School Canteen Landau Forte QEMS Ashby Road Tamworth B79 8AA	Please note that vehicular access onto the school premises is not available. Please access the school via the main pedestrian gates and follow the signs to the school canteen. A small car park is located adjacent to these gates should you wish to drive.
	2	SP2, SP6	Ashcroft Infant and Nursery School Mildenhall Tamworth B79 8RU	
	3	SP3	Flax Hill Junior Academy Chestnut Avenue Gillway Tamworth B79 8QZ	
	4	SP4	St. Andrew's Methodist Church Hall Thackeray Drive Tamworth B79 8HY	
	5	SP5	Moorgate Primary Academy Moorgate Tamworth B79 7EL	Polling station is now located in the new school buildings off Moorgate. Vehicular access is restricted to use by disabled electors during school hours.
	6	SP6	Anker Valley Primary Academy Brooklime Way Tamworth B79 0FD	New location for 2022 onwards.

