

**CO-OPTION OF PARISH COUNCILLOR
for the
PARISH OF OLD BOLSOVER with STANFREE Ward
Bolsover District Council**

Name of applicant:

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Address:

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**E-mail
address**

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**Phone
number**

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Please give your reasons for wishing to join Old Bolsover Town Council, and explain what you will bring to the Council for the benefit of the town.

Please continue on reverse if required.

Please Note

You may be asked to elaborate on the contents of this application letter, and current councillors may also wish to ask you direct questions before taking a vote.

Signed		Date	
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Candidate's Consent to Nomination

Co-option of a Parish Councillor

For

Old Bolsover with Stanfree Ward

Bolsover District Council

I, *(name in full)*

of *(home address in full)*

hereby consent to being co-opted as a Town Councillor for Old Bolsover with Stanfree Parish Ward.

I declare that on the day of my nomination I am qualified and that I will be qualified to be co-opted by virtue of being a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Community, who has attained the age of 18 years and that

* (a) I am registered as a local government elector for the administrative area of the Parish in respect of *(qualifying address in full)*

and my electoral number *(see note below)* is _____ ; or

* (b) I have during the whole of the twelve months preceding that day or those days occupied as owner or tenant of the following land or other premises in the Parish *(description and address of land or premises)*

_____ ; or

* (c) my principal or only place of work during those twelve months has been in that Parish at *(give address of place of work and, where appropriate, name of employer)*

_____ ; or

* (d) I have during the whole of those twelve months resided in that Parish or within three miles of it at *(give address in full)*

** delete whichever is inappropriate, (but you can include all those that apply)*

I declare that to the best of my knowledge and belief I am not disqualified from being elected by reason of any disqualification set out in Section 80 of the Local Government Act 1972, or section 34 of the Localism Act 2011 [copies of which sections are printed overleaf].

Candidate Date of Birth: _____

Signature: _____

Date of consent: _____

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

Signature of witness: _____

Name and address of witness (PLEASE PRINT)

NOTES: 1. A person's electoral number is his number in the register to be used at the election (including the distinctive letters of the parliamentary polling district in which he is registered).
2. A candidate who is qualified by more than one qualification may complete any 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

Localism Act 2011

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

(c) 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 ".

