

Candidate's consent to nomination

Election of a Councillor

For the _____ Ward of the **City of Plymouth**

Date of Election: Thursday 3 May 2012

I, (name in full) _____

of (home address in full) _____

hereby consent to my nomination as a candidate for election as a Councillor for the

_____ **ward of the City of Plymouth.**

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 Community, who has attained the age of 18 years and that:

* (a) I am registered as a local government elector (*) for the City of Plymouth in respect of
(qualifying address in full) _____

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

*(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 City of Plymouth (description and address of land or premises)

_____; **or**

*(c) My principal or only place of work during those 12 months has been in the City of Plymouth 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 the City of Plymouth at (give address in full)

I declare that to the best of my knowledge and belief that I am not disqualified for being elected by reason of any disqualification set out in section 80 of the Local Government Act 1972 or any decision made under section 79 of the Local Government Act 2000 (a copy of which is printed overleaf) and I do not hold a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989, under a local authority within the meaning of that Part.

*delete whichever is inappropriate

Date of Birth _____

Signed _____

Date of Consent _____

Signature of witness _____ (signed in my presence)

Name and address of witness (CAPITAL LETTERS) _____

Note –

1. A person's electoral number is his number in the register to be used at the election (including the distinctive letter 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 the qualifications that may apply.
3. (*) If elected the office holder must continue as a registered elector for the local authority area.

The candidate's consent must be given on or within one month before the last day for the delivery of nomination papers and delivered to: The Returning Officer, Plymouth City Council, Civic Centre, Plymouth **by noon on: Wednesday 4 April 2012**

Section 80 & 81 of the Local Government Act 1972 – Part V (as amended)

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

Section 80

- (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 (and be disqualified for being elected or being an elected mayor), if he –
 - (a) holds any paid office or employment (other than the office of chairman, vice-chairman or deputy chairman 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 election) 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
 - (aa) holds any paid employment in a company which, in accordance with Part V of the Local Government and Housing Act 1989 other than section 73, is under the control of the local authority; or
 - (b) is the subject of a bankruptcy restrictions order or interim order; or
 - (c) Repealed
 - (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 or under the Audit Commission Act 1998.
- (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 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.
- (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.

Exceptions to provisions of section 80

Section 81

- (4) Section 80(2) and (3) above shall not operate so as 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 – Decisions of case tribunals

79. - (1) A 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 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 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 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 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 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 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, and

(b) specifying the details of that failure, and

(c) stating that the person must be suspended or partially suspended by the relevant authority concerned for the period, and in the way, which the tribunal has decided.

(9) A relevant authority must comply with any notice given to its standards committee under subsection (8).

(10) Where a 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-

(i) to the Standards Board for England, where the relevant authority concerned is in England,

(ii) to the Commission for Local Administration in Wales, where the relevant authority concerned is in 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 in the same country (that is to say, England or Wales)-

(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 references in subsections (4)(a) and (8)(c) to the relevant authority concerned are to be treated as references 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 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 case tribunal under this section.

(15) Where a 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.