

SECTION B

COMMUNITY COUNCIL

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B COMMUNITY COUNCIL ELECTIONS

B1 General Provisions

- B1.1 Each Council shall comprise of Members elected in terms of this Scheme.
- B1.2 Elections shall be held triennially, starting in 2004, for all Community Councils.
- B1.3 Where the number of valid nominations received is less than half of the number of vacancies, the Community Council will not be able to be formed. Similarly where a Community Council has formed and the number of Community Councillors falls to less than half of the total membership of the Community Council, the Community Council will cease to function and will be dissolved (see Section E).
- B1.4 A Community Council may be reformed by Petition in terms of this Scheme (see Section B26).
- B1.5 Members may be elected at a By-election in the years two and three following the triennial election.
- B1.6 Members of a Community Council will represent that Council area as a whole and will be elected by a secret ballot. The poll will be an all-postal ballot and organised by the Returning Officer and his/her staff. The election timetable will be arranged so that each newly elected Community Councillor will be appointed from 1st April.
- B1.7 South Ayrshire Council Elected Members, Members of the Scottish Parliament, Members of Parliament and Members of the European Parliament, for the area (or part of the area) covered by a Community Council shall have *ex officio* membership.

B2 Appointment of Returning Officer

- B2.1 The Returning Officer for Community Council elections shall be the Service Planning and Elections Manager, Resources, Governance and Organisation Directorate, South Ayrshire Council. He/she may appoint Deputies to discharge all or any of his/her duties.
- B2.2 The decision of the Returning Officer is final and cannot be challenged on election petition.

B3 Timetable

Community Council elections will be held triennially with by-elections being held in years two and three. The timetable for the conduct of Community Council elections is detailed in Appendix B1. In each third year South Ayrshire Council will publish in the local press and on its website the Notice of Election as shown in Appendix B2. In subsequent years, during by-elections, South Ayrshire Council may choose to advertise only in the locality where the by-election will take place.

B4 Notice of Election

The Returning Officer shall publish a Notice of Election as shown in Appendix B2 or to like effect.

B5 Nomination

Forms of nomination will be available at such locations as determined by the Returning Officer and published in the Notice of Election. Completed nomination forms shall be delivered to the place appointed by the Returning Officer and specified on the Nomination Form as shown in Appendix B3.

B6 Qualification of Candidate

To qualify to be nominated to stand for election to a specific Community Council, a candidate must

- B6.1 be 18 years of age or over (by the date of the close of nomination).
- B6.2 have his/her name appearing on the current Register of Local Government Electors for the area concerned.
- B6.3 be resident in the Community Council area or sub area for which he/she is being nominated.
- B6.4 not be an Elected Member of a local authority (or an Elected Member of any other legislature).
- B6.5 not be a person who would be disqualified from being nominated in a Local Government Election in terms Subsections 1(B), (ba), (C), (2), (3) and (3B) of Section 31 of the Local Government (Scotland) Act 1973 as amended. (These relate to sequestration and bankruptcy and to criminal convictions where a sentence of imprisonment without the option of fine has been passed).

B7 Consent to Nomination

Every candidate must consent to his/her nomination in writing. Consent to nomination will be included in the Nomination Form.

B8 Nomination Form

The signature of the candidate on the Nomination Form requires to be witnessed. The witness must be 16 years of age or over, be able to write, not be blind, be of sound mind and be known to the candidate.

B9 Witnessing more than One Nomination Paper

A person can witness more than one nomination paper in respect of the same Community Council election.

B10 Qualification of Electors

All electors at a Community Council election shall be resident in the area or sub area of that Council and shall;

- have attained the age of 18 years as at the date of the close of nominations.
- be persons whose name appears on the Register of Local Government Electors for the area concerned.
- not be subject to any legal incapacity (as applies at other elections).

B11 Nomination Paper

A sample of the nomination paper to be used at Community Council elections can be found in Appendix B3.

B12 Delivery of Nomination Paper

Nomination papers must be delivered to the address specified on the nomination paper no later than the date and time specified on the nomination paper.

B13 Candidate's Statement / Canvassing

A candidate may wish to make a statement saying why he/she wants to be elected. It must not be longer than 50 words. This statement will be published, together with any other validly nominated candidates' statements, where there will be a contested election. There is no obligation on a candidate to complete this part, it is entirely optional. No other form of canvassing for votes will be permitted.

B14 Validity of Nomination Papers

- B14.1 Where a nomination paper is delivered prior to the close of nomination, the candidate shall be deemed to stand nominated unless and until the Returning Officer decides that the nomination paper is invalid, or proof is given to the Returning Officer's satisfaction of the candidate's death.
- B14.2 The Returning Officer is entitled to hold a nomination paper invalid only on one of the following grounds; either that the particulars of the candidate or the persons subscribing the paper are not as described above, or that the paper is not completed as so required.
- B14.3 As soon as possible after each nomination has been received by the Returning Officer, he/she shall examine it and decide whether the candidate has been validly nominated.
- B14.4 Where the Returning Officer decides that a nomination paper is invalid, he/she shall endorse and sign the paper of the fact and reasons for his/her decision.
- B14.5 The Returning Officer shall send a letter of his/her decision that a nomination paper is valid or invalid to each candidate at his/her address as given on the nomination paper.
- B14.6 The Returning Officer's decision that a nomination paper is valid or invalid shall be final.
- B14.7 In the event that the number of candidates validly nominated is less than half the total number of vacancies on any Community Council, no Community Council shall be established at that time. South Ayrshire Council shall, after consultation with Elected Members whose Electoral Wards include the area and any other individuals deemed appropriate by South Ayrshire Council, take such action as may be required.
- B14.8 A candidate shall be able to withdraw his/her nomination paper after it has been delivered up until the date and time fixed for the close of nomination. The request to withdraw must be made in writing by the candidate (or his/her authorised representative) or by e-mail.

B15 Political Parties

A political party shall neither nominate nor sponsor a candidate in a Community Council election.

B16 Method of Election

B16.1 If, after the close of nominations, the total number of candidates validly nominated is greater than the total number of vacancies available for a Community Council (or sub ward), a poll will take place.

B16.2 The poll will be an all-postal ballot. A style of a ballot paper is enclosed in Appendix B4.

B16.3 Ballot papers will be posted to all electors resident in the specific Community Council area or sub ward.

B16.4 Ballot papers must be returned no later than the date and time specified on the ballot paper. Pre-paid postage reply envelopes, addressed to the Returning Officer, will accompany each ballot paper.

B17 Counting of Votes

The counting of votes will take place in the County Buildings, Wellington Square, Ayr or at such other location as the Returning Officer may decide. All candidates will be notified in writing of the location, date and time of the count. Candidates will be permitted to attend the counting of votes.

B18 Term of Office

The term of office shall be from 1 April (year one) to 31 March (year three) except for the provision of Section D.

B19 Rejected Ballot Papers

Any ballot paper:-

B19.1 on which there are more votes cast than there are vacancies;

B19.2 on which anything is written or marked by which the voter can be identified;

B19.3 which is unmarked or void for uncertainty;

shall be endorsed with the words 'rejected' by the Returning Officer, such ballot papers shall not be counted and the Returning Officer shall draw up a statement showing the number of ballot papers rejected.

B20 Decisions on Ballot Papers

The decision of the Returning Officer on any question arising in respect of a ballot paper shall be final.

B21 Equality of Votes

Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between or among any candidates and the addition of a vote would entitle any or some of those candidates to be declared elected the Returning Officer shall forthwith decide between or among those candidates by lot, and proceed as if the candidate or candidates on whom the lot falls had received an additional vote.

B22 Declaration

In a contested election, when the result of the poll has been established, the Returning Officer shall declare to be elected the candidates to whom the majority of the votes have been given. The Returning Officer will then prepare a Notice of the Result stating the total number of votes given to each candidate, indicating who has been elected together with a statement showing the ballot papers rejected. The Returning Officer shall, in writing, give notice to all candidates of the result of the election and shall inform them whether or not they have been elected. A copy of the Notice of Result is contained in Appendix B5.

B23 Absent Voting

There shall be no provision for absent voting.

B24 Appointment of Agents

Candidates are not permitted to appoint an election agent or counting agent.

B25 Uncontested Election

If, after the expiry time for the delivery of nomination papers, the total number of candidates validly nominated is equal to, or less than, the total number of vacancies available on the Community Council the Returning Officer shall give notice that there will not be a poll for that Community Council. The candidates validly nominated will be duly elected to serve on that Community Council and the Returning Officer will write to each candidate advising them of their appointment (except if the provisions of paragraph B14.7 apply).

B26 Areas with no active Community Councils

If an area does not have an active Community Council, members of the public interested in forming a Community Council must submit a Petition as detailed in Appendix B6.

B26.1 At least 20 members of the public, who must each sign the Petition, must reside within the Community Council area.

B26.2 Their names must appear on the Register of Local Government Electors for that area.

South Ayrshire Council will then initiate the election process, as detailed above, as soon as is practicable.

B27 Demission of Office – Community Councillors

Community Councillors demit office as follows:

B27.1 Death – with immediate effect.

B27.2 Not re-elected to the Community Council – with effect from 31 March.

B27.3 Resignation – this must be made in writing to the Secretary of the Community Council (where the Secretary is resigning this must be made in writing to the Chair of the Community Council) and must state the date from which the resignation is to take effect. Resignations may only be withdrawn with the consent of the Community Council. A copy of the resignation letter must also be sent to the Head of Policy, Community Planning and Public Affairs at the same time as it is sent to the Secretary or Chairperson. Should an individual require assistance in providing a written resignation, the Community Council is obliged to provide support to the individual to accomplish this.

B27.4 Becomes an Elected Member of South Ayrshire Council (or of any other legislature)

B27.5 Non-attendance – where a Community Councillor has not attended three consecutive Community Council meetings without reasonable excuse or prior notification, that Community Councillor will be deemed to have demitted office and the subsequent vacancy will fall to be filled.

B27.6 No longer resident in area – where a Community Councillor is no longer resident within the area of the Community Council he/she must resign from the Community Council within two months of him/her becoming non-resident. If he/she does not resign, he/she will be deemed to have demitted office after two months of the date when he/she became non-resident.

B28 Disposal of Documents

On completion of the counting in a contested election the Returning Officer shall seal up all the counted and rejected ballot papers, together with the verification sheets which shall be sealed and retained for six months from the counting of votes by the Returning Officer among the records of South Ayrshire Council.

B29 Inspection of Documents

These documents shall not be open to public inspection.

B30 Destruction of Documents

After the expiry of six months from the day fixed for the counting of votes the Returning Officer shall cause all the documents to be destroyed.

B31 Death of Candidate

The death of a candidate will not affect the conduct of the poll. Any votes given to such a candidate shall not be counted.

B32 Public Meetings

No opportunity will be extended to any candidate to address a public meeting.

COMMUNITY COUNCIL ELECTIONS



PROVISIONAL TIMETABLE

Date	Function
1st week in January	The Returning Officer will arrange a Planning Meeting with officials to discuss election arrangements.
1st/2nd week in January	Send out form seeking accurate information for full and co-opted membership. (Send out Nomination Forms with this letter.)
Last Friday in January	Above form to be returned.
1st week in February	Advert to be placed in local newspapers. Also send advert to Secretaries to be displayed locally.
Last Thursday in February (4.00 pm)	Closing date and time for nominations.
1st/2nd week in March	Issues of postal ballot papers.
Last Wednesday in March (5.00 pm)	Last day for receipt of ballot papers.
Last Thursday in March	Counting of Votes
1 April	Community Council appointments to commence.

NOTICE OF ELECTION

COMMUNITY COUNCIL ELECTIONS 2013

A poll is to be held for Community Council members to serve on the undernoted Community Councils.

Name of Community Council	Sub Ward	No of Vacancies
Alloway and Doonfoot		15
	Alloway	8
	Doonfoot	7
Annbank and Coylton		12
Ballantrae		9
Barr		9
Barrhill		9
Belmont and Kincaidston		18
	Kincaidston	4
	Belmont North	5
	Belmont South	5
	St Leonards	4
Colmonell and Lendalfoot		9
Craigie		9
Crosshill, Straiton and Kirkmichael		9
	Crosshill	3
	Straiton	3
	Kirkmichael	3
Dailly		9
Dundonald		12
Dunure		9
Forehill, Holmston and Masonhill		15
	Castlehill/Masonhill/New Holmston	7
	Holmston and Forehill	8
Fort, Seafield and Wallacetown		15
	Fort	5
	Seafield	6
	Wallacetown	4
Girvan and District		15
Kirkoswald, Maidens and Turnberry		9
Loans		9
Maybole		15
Minishant		9
Monkton		9
Mossblown and St Quivox		9
Newton and Heathfield		12
	Newton	6
	Heathfield	6
North Ayr		15
	Whitletts and Lochside	5
	Dalmillig	5
	Craigie	5
Pinwherry and Pinmore		9
Prestwick North		15
	Prestwick North West	5
	Prestwick North Central	5
	Prestwick North East	5
Prestwick South		15
	Prestwick South West	8
	Prestwick South East	7
Symington		9
Tarbolton		9
Troon		18

Nomination Forms may be obtained by contacting:

Returning Officer
Community Council Elections
County Buildings, Wellington Square, Ayr KA7 1DR
Telephone: (01292) 612181/612447.
E-mail: communitycouncils@south-ayrshire.gov.uk

Latest time for the delivery of nomination papers is:

21 February 2013 at 4.00 pm

Nomination Forms must be returned in a sealed envelope to the above address.

28 January 2013

LOCAL GOVERNMENT (SCOTLAND) ACT 1973

ELECTION OF A COUNCILLOR FOR THE



COMMUNITY COUNCIL

SUB WARD (if applicable^o)

Latest time for delivery of this form to the
 Returning Officer, Community Council Elections, County Buildings,
 Wellington Square, Ayr KA7 1DR – XXXXXXXX

1.	SURNAME:			
2.	OTHER NAMES:			
3.	ADDRESS:			
4.	POST CODE:		5.	TEL NO:
6.	EMAIL:			

I certify that the above particulars are correct, that I am aged 18 years or over on XXXXXXXX and whose name appears on the Register of Local Government Electors for the Community Council referred to above and that I am not disqualified from candidature in terms of the Community Council Scheme for South Ayrshire Council (eg by being a member of South Ayrshire Council or by being disqualified from candidature in a Local Government Election in terms of subsections 1(b) or (c) of Section 31 of the Local Government (Scotland) Act 1973).

The Council may hold any information you provide, for future use in relation to the administration of Community Councils. This information will be held within the Council's computer systems and will be used in accordance with the principles of the Data Protection Act 1998. Signing this form confirms you acknowledge and agree to your nomination and your information being used in this matter.

I consent to my nomination as candidate.

6.	SIGNATURE OF CANDIDATE:	
7.	DATE:	
8.	SIGNATURE OF WITNESS:	
9.	NAME WITNESS:	
10.	ADDRESS OF WITNESS:	

^o The following Community Councils contain sub wards:

Prestwick North; Prestwick South; Newton and Heathfield; North Ayr; Forehill, Holmston and Masonhill; Belmont and Kincaidston; Fort, Seafield and Wallacetown; Alloway and Doonfoot; Mossblown and St Quivox; Crosshill, Straiton and Kirkmichael.

If a candidate wishes, he/she may also complete a statement saying why he/she wants to be elected. It must not be longer than 50 words.

Candidate's statement
(must not exceed 50 words)

This statement will be published together with any other validly nominated candidates' statements, where there will be a contested election. There is no obligation on a candidate to complete this part, it is entirely optional.

PLEASE COMPLETE IN BLOCK LETTERS

SAMPLE

GUIDANCE NOTES:

- The candidate must complete sections 1-7. The witness must complete sections 8-10.
- Candidates must be 18 years or over on **XXXXXXX**
- Candidates must be resident in the area or sub ward of the Community Council they wish to represent.
- Candidates' names must appear on the Register of Local Government Electors for the area concerned.
- Latest time for delivery of nomination forms is **4.00 pm** on **XXXXXX**.
- Nomination Forms must be delivered to:-
 - Returning Officer**
 - Community Council Elections**
 - South Ayrshire Council**
 - County Buildings**
 - Wellington Square**
 - AYR KA7 1DR**
- Helpline: (01292) 612447 or 612181

FOR OFFICIAL USE ONLY		
Electoral Number	Distinctive Letter	Number

COMMUNITY COUNCIL

XYZ COMMUNITY COUNCIL Y SUB WARD

This year Community Council Elections are taking place between XXXX. The poll will be a postal ballot and your ballot paper and a pre-paid, addressed return envelope is enclosed. The ballot paper must be received by the Returning Officer at the County Buildings in Ayr by 5.00 pm on XXXX, otherwise your vote will not be included in the count. Each candidate was asked to make a brief statement if he/she so wished. The statements are printed in this leaflet.

ELECTION

XYZ COMMUNITY COUNCIL

Y SUB WARD

[DATE]



CANDIDATES' STATEMENTS

- BLUE**
Hugh, 71 Green Road, Merrytown
Having been a Community Councillor for over twenty years, if elected I will do my best to represent the community as I have done for a long time previously.
- GREEN**
John, 10 Brown Avenue, Merrytown
John Green chose not to make a statement.
- PURPLE**
James Purple, 67 Main Street, Merrytown
James Purple chose not to make a statement.
- WHITE**
Janet White, 19 Long Street, Merrytown
As a newer resident I hope to be able to bring fresh ideas for improving our community.

XYZ COMMUNITY COUNCIL

INSTRUCTIONS TO VOTER

Y SUB WARD

BALLOT PAPER

You may not vote for more than **X** candidates.

1. You may vote for up to **X** candidates.
2. Mark your choice with a cross (X). Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
3. Put no other mark on the ballot paper or your vote may not be counted.
4. Put the ballot paper in the 'Ballot Paper Envelope'. Return it without delay.
5. Ballot Paper Envelopes must be received by the Returning Officer at the County Buildings, Wellington Square, Ayr **not later than X pm on XX XX 20XX**
6. Helpline: Tel: 01292 612181/612447
Email: communitycouncils@south-ayrshire.gov.uk
Website: www.south-ayrshire.gov.uk/communitycouncils

CANDIDATE	ADDRESS	VOTE
BLUE, Hugh	71 Green Road, Merrytown	
GREEN, John	10 Brown Avenue, Merrytown	
PURPLE, James	67 Main Street, Merrytown	
WHITE, Janet	19 Long Street, Merrytown	

XYZ COMMUNITY COUNCIL

Y SUB WARD

Electorate	
Total Votes cast	b/f
Percentage Poll	%

Here is the result for the XYZ Community Council Y Sub Ward

NO	NAME		VOTES
1	BLUE, Hugh	71 Green Road, Merrytown	
2	GREEN, John	10 Brown Avenue, Merrytown	
3	PURPLE, James	67 Main Street, Merrytown	
4	WHITE, Janet	19 Long Street, Merrytown	

and I declare the following to be elected to the XYZ Community Council Y Sub Ward

NO	NAME		VOTES

The number of rejected ballot papers was _____

_____ 20XX

Signed: _____
Returning Officer

PETITION
TO THE
SOUTH AYRSHIRE COUNCIL

**BY TWENTY ELECTORS
OF THE
XYZ
COMMUNITY COUNCIL AREA**

WE, the twenty undersigned electors, residing within the XYZ Community Council area at the addresses stated and being registered as electors at these addresses for the Register of Electors in force as at the date of this petition, HEREBY PETITION the South Ayrshire Council, in terms of the Scheme for Community Councils, to re-establish XYZ Community Council within six weeks of delivery of this petition.

Dated this _____ day of _____ 20____.

Note: This petition to be delivered to the

Head of Policy, Community Planning and Public Affairs
South Ayrshire Council
County Buildings
Wellington Square
AYR KA7 1DR

No	NAME	ADDRESS	SIGNATURE	No ON REGISTER OF ELECTORS *
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				

SAMPLE

* For official use only.