



**STAINLAND
& DISTRICT**
PARISH COUNCIL

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Holywell Green
Sowood
Jagger Green
Old Lindley
Outlane in Calderdale



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Stainland & District Parish Council (SDPC) Election Procedures & Policy

Document Ref	Council Election Procedures and Policy
Issued Date	July 2026
Status	Approved at Council Meeting on 30.04.2026
Parish Council Approved Date	30.07.2026
Next Reviewed Date	July 2029



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INTRODUCTION

These notes have been produced as a useful reference document, however, SDPC may at any time wish to seek further advice/information on a particular area by contacting the Electoral Services Office of Calderdale Council (CMBC).

The Returning Officer is appointed by CMBC and is responsible for the conduct of, and arrangements for Parish Council elections.

The Electoral Services Office undertakes the work connected with the conduct and arrangements for all elections and also the preparation of the Register of Electors.

ORDINARY PARISH COUNCIL ELECTIONS

1.1. Term of Office

Parish Councillors hold office for a period of four years and retire on the fourth day after the ordinary day of election (excluding bank holidays). The newly elected councillors take office (provided they have made declarations of acceptance of office) on the day on which their predecessors retire (Local Government Act 1972, Section 16(3)). The Chair of a Parish Council continues in office until their successor becomes entitled to act.

1.2. Combination of Elections

The Representation of the People Act 1983, Section 36, allows for the ordinary elections of CMBC Councillors to be combined with the ordinary election of Parish Councillors. The costs of combined elections are apportioned as appropriate – e.g. staffing, rent of polling stations are divided equally between the borough and Parish, but each pays for specific items such as ballot papers and election notices. Similar provision is made for combined casual elections.

1.3. The Election Timetable

Ordinary Parish Council elections are held every four years, usually on the first Thursday in May although the Secretary of State does have the power to make an Order, by 1st February of the year of election, for them to be held on another date.

The timetable for the election is calculated in accordance with the Local Elections (Principal Areas) Rules 1986. The timetable will be sent to Parish Clerks prior to the commencement of election proceedings.



The timetable for proceedings is as follows:

Publication of Notice of Election	Not later than the 25th day before the day of election.
Delivery of Nomination Papers & Notification by Parishes of whether	Not later than 4PM on the 19th day before the day of election.
Poll Cards required	
Delivery of Notices of Withdrawal of Candidature	Not later than 4PM on the 19th day before the day of election.
Notice of Poll	Not later than the 6th day before the day of election.
Notice of Appointment of Polling or Counting Agents	Not later than the 5th day before the day of election.
Polling	Between the hours of 7am and 10pm on polling day.

NB: In calculating the specific dates, Saturdays, Sundays, Christmas Eve, Christmas Day, Good Friday, bank holidays or days appointed for public thanksgiving or mourning are to be disregarded.

1.4. Poll Cards

Where the poll at a Parish election is combined with a CMBC election, poll cards will be produced and paid for by the CMBC. However, if the two elections are scheduled for the same date but only the Parish Council election is contested, it will be necessary to know whether the Parish Council still require poll cards to be produced at their own expense.

There is a statutory deadline for notification by Parish Councils of whether poll cards are required which is no later than 4PM on the nineteenth day before the date of election. This notification must be given in writing and received prior to the deadline.

The cost of producing and sending out poll cards will only be charged if the Parish have requested poll cards and the Borough Council election is uncontested.

1.5. Nomination

Nomination papers in respect of Parish Council elections will be supplied to the Parish Clerks in case requests are made to them directly.



It is important that nomination papers are completed correctly. The following information may be used as a guide.

Each candidate must be nominated on a separate nomination paper.

- (a) The nomination must show:- *Name and address in full. Description (if desired but see note below). Such description must not exceed six words in length - abbreviations will be treated as individual words. Examples of description are - Labour, Conservative, Liberal Democrat, Green, Housewife, Farmer, Independent etc*
- (b) The nomination must be signed by two electors:-
 - *Proposer*
 - *Seconder*Both electors must appear on the current appropriate electoral register and cannot sign more nomination papers than the number of vacancies to be filled.
- (c) The nomination paper must include the electoral numbers of the persons subscribing the nomination. The distinctive letters referred to on the paper are the polling district reference which may be found on the front of the register in large type and consist of two letters e.g. AA
- (d) NO nominations will be accepted after 4PM on the 19th day before the day of election. *As with all election deadlines this will be strictly adhered to.*

If Parish Clerks are requested to bring in any nominations they should do so as soon as they receive them to avoid delays. Appointments cannot be made in advance – nominations are dealt with on a first come first served basis. It is, therefore, strongly recommended that nominations are delivered well in advance (*at least a week if possible*) of the 4PM deadline on the 19th day before the day of election.

Nomination papers MUST be delivered by hand and the person delivering them should be prepared to wait for the papers to be verified.

1.6. Qualifications for Candidature

A candidate must be:-

- A commonwealth citizen or citizen of the Republic of Ireland
- aged 18 years or over on the day of nomination and not disqualified by any statute.
- Live or work within three miles of the Parish of Stainland & District



1.7. Consent to Nomination

A nomination is NOT valid unless the candidate's consent to nomination, given in writing on or within one month before the last day for the delivery of nomination papers, is delivered to the Returning Officer. The consent must contain a statement declaring that with reference to the date of their nomination the candidate is, and on the day of election, will be qualified to be elected, giving particulars of their qualification. One of the following qualifications must be relevant:-

that they are an elector of the parish.

that during the whole of the preceding 12 months they have either occupied as owner or tenant land or other premises in the parish.

- that their principal or only place of work during the preceding 12 months has been in the parish.
- they have resided either in the parish or within 4.8 km (3 miles) thereof during the whole of the last 12 months.

1.8. Withdrawal of Candidates

A candidate may withdraw her/his candidature by delivering a notice of withdrawal, signed by themselves and witnessed, by 4PM on the nineteenth day before the election (same date and time for the delivery of nominations)

1.9. Statement of Persons Nominated

After the close of nominations the Returning Officer must publish a list of the persons who stand nominated, giving the candidates name, address and description (if any).

1.10. Uncontested Elections

If the number of persons remaining validly nominated after any withdrawals does not exceed the number of councillors to be elected, a poll will not be necessary and such persons 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 Parish Clerk or Chair and to the public. The persons elected in these circumstances do not take office until the day on which their predecessors retire.

If there are insufficient candidates to fill all vacancies, the Representation of the People Act 1985 Section 21 allows the elected members, provided there is a quorum (one third of the whole number of members with a minimum of three) to co-opt members to fill the remaining vacancies. If the Parish Council fails to exercise the power to co-opt within seven weeks (35



days computed in accordance with the statutory timetable) or if there is no quorum, CMBC may order a fresh election to properly constitute the Parish Council.

1.11. Contested Elections – Declaration of Result

When the result of the poll is known, the Returning Officer will:-

- declare to be elected the candidate(s) to whom more votes have been given than to the other candidates, up to the number of councillors to be elected.
- give notice of the name of each candidate elected to the Parish Clerk or Chair.
- give public notice of the name of each candidate and of the total number of votes given for each (whether elected or not) together with the number of rejected ballot papers.

1.12. Declaration of Acceptance of Office

A person elected to the office of Chair of a Parish Council or Parish Councillor shall make in the presence of a member of the Council or of the "Proper Officer" of the Council (usually the clerk), a Declaration of Acceptance of Office:

- in the case of the Chair, at the meeting at which they are elected.
- in the case of a councillor, at or before the first meeting of the Parish Council after their election; or
- in either case if the Council at that meeting allows, at or before a later meeting fixed by the Council

Failure to do so will mean that their office will become vacant (Local Government Act 1972 Section 83).

Please note that the Parish Clerk should familiarise themselves with the procedures to be followed after the election of candidates and ensure that they have relevant paperwork with regard to Declarations of Acceptance of Office and Registrable Interest Forms.

2. FILLING OF CASUAL VACANCIES

Casual vacancies will be filled by either co-option or election. Below is a guide to assist the Parish Clerk.



2.1 The Vacancy

Firstly, the Parish Council must advertise the vacancy. The notice should be displayed in places that are as conspicuous as possible and a copy sent to the Electoral Services Office. The Parish Council may also advertise the vacancy in any other manner they wish.

It is important to complete the notice correctly, paying particular attention to the dates on the notice as it must be displayed for 14 days from the date of the notice. The 14 days must not include weekends, bank holidays etc. (see paragraph 1.3).

2.2 Filling the Vacancy by Election

During the 14 days of the notice being displayed 10 electors from within the Parish, or ward of the Parish, can call for an election to be held. To do this they will need to make their request in writing to the Returning Officer.

If an election is not requested as prescribed above, the Parish Clerk will be advised accordingly and informed that the Council will have to co-opt as soon as possible. Although it is entirely a matter for the Parish Council how cooption is arranged, it is advisable for a notice to be displayed advising electors of the date on which co-option will be carried out and inviting any interested parties to put their names forward for consideration.

In the event of an election being requested, the Parish Clerk will be notified and an election date will be set by the Returning Officer which must fall within 60 days from the date of the Notice of Vacancy.

In the case of a casual vacancy occurring in the office of a Parish Councillor within six months before the day on which that councillor would regularly have retired, an election shall not be held unless the total number of unfilled vacancies in the membership of the council exceeds one third of the whole number of members. The Parish Council may, however, co-opt a person to fill the vacancy if so desired.

2.3 Notice of Election

Notices of election will be produced by the Returning Officer indicating the dates for delivery of nominations, postal/proxy voting arrangements together with the polling day and hours of poll if contested. Such notice will be displayed at the CMBC offices and copies supplied to the Parish Clerk for display within Stainland and District. Alternatively, these notices may, at the request of the Parish Clerk, be inserted in the local newspaper, the cost of which would be recharged to the Parish Council.

2.4 Poll Cards

The Parish Clerk will be asked to notify the Returning Officer, in writing, whether the Parish Council will require poll cards to be issued in respect of the election. S/he must notify the Returning Officer of the decision of the Parish Council by 4PM on the 19th day before the date of the election, otherwise it will be deemed that poll cards are not required.



2.5 Nomination Papers and Timetables

Sets of nomination papers, consent to nomination and timetables will be supplied to the Parish Clerk in case requests are made to them for nominations. The Parish Clerk should, therefore, send such sets to all persons who have shown an interest in being on the council, together with an explanatory note, i.e. completed forms to be hand delivered to the Returning Officer.

2.6 Notice of Poll

After the last date for delivery of notices of withdrawal, the Returning Officer will publish the Notice of Poll giving details of the candidates, polling stations and hours of poll. These notices are displayed at the CMBC offices and a copy sent by email to the Parish Clerk for display within the area in conspicuous places.

2.7 Notice to Person Elected

Sent by the Returning Officer to the successful candidate.

2.8 Declaration of Acceptance of Office

The person elected as Parish Councillor must make a declaration of acceptance of office before or at the first meeting of the Council after s/he has been elected (Section 83(4) of the Local Government Act 1972). This Notice should be supplied by the Parish Council.

2.9 Insufficient Nominations

An unopposed candidate will take office immediately after they have been declared to be elected (Local Government Act 1972 Section 16(3)).

Where an election has been requested to fill a casual vacancy and there are insufficient nominations, another election date will have to be arranged and held within 35 computed days of the date of the original election.

2.10 Term of Office

A person elected or co-opted to fill a casual vacancy holds office until the person in whose place they are elected or appointed would regularly have retired.

3. PRE- ELECTION PERIOD

It is essential that all Members and Officers adhere to these guidelines to ensure the Council acts appropriately and maintains political neutrality during the pre-election period.

3.1 General Principles and Publicity Restrictions:

- The fundamental principle is that the parish council must not publish (or help others to publish) material that appears to be designed to affect public support for a political



party. This is expressly prohibited by section 2 of the Local Government Act 1986. Publicity is defined as any communication, in any form, addressed to the public or a section of the public.

- Particular care must be taken to ensure that publicity could not be perceived as seeking to influence public opinion or to promote the public image of a particular candidate or group of candidates.
- During the pre-election period, Councillors who are also candidates in the election will generally not be quoted in press releases issued by the parish council.
- This restriction may exceptionally not apply to the Chair if there is a need for parish council leadership comment in major incidents.
- Publicity should not deal with controversial issues or report views, proposals, or recommendations in a way that identifies them with individual councillors or groups of councillors.
- It is acceptable for the parish council to respond to events and legitimate service enquiries, provided that the answers are factual and not party political.
- Councillors involved in the election should not attend any events organised by the parish council that may attract significant numbers of the public or media interest, as this could be seen as promoting their candidacy. It is better to avoid proactively scheduling PR events and photo opportunities during this period if possible.
- If the parish council proposes to run an elections hustings it should ensure that invitations are sent to all relevant candidates.
- If a parish council event cannot be postponed, it should be organised to minimise the risk of appearing to promote a particular party. Inviting representatives from all parties and independent members and requesting them not to use the event for political purposes is advisable.
- Councillors can create their own individual, non-political publicity and can respond to media enquiries in a personal capacity but must not use parish council resources to do so.

3. 2 Use of Council Resources:

- Councillors who are also candidates cannot use their Council email addresses on party political campaign literature during the pre-election period. They should use personal email addresses to differentiate between election material and council correspondence.
- Councillors who are also candidates cannot use photographs of officers or images produced by the parish council in their election campaign material to avoid compromising officers' political neutrality and misusing council property for political reasons.
- The display of election campaign material is not permitted on council land and property, including highway land. Action will be taken to remove any offending material.



- Councillors due for election should not have access to the Parish Office for the use or preparation of any materials, including paper or printing, for campaign purposes.
- Parish council staff must always be careful not to give the impression of supporting any political party, policies, or candidate. They must not engage in political activity during working hours or within parish council facilities.

3.3 Council Business and Decision-Making:

- Generally, decision-making within the parish council will continue as usual. However, councils may delay decisions and consultations that could be seen as contentious and will generally avoid new action of a continuing or long-term character.
- The decisions made by the parish council are corporate decisions and will be publicised as per normal, subject to the restrictions on quotes.
- Consider carefully before launching any new consultations unless it is a statutory duty or considered normal council business. Publishing report findings from consultation exercises that could be politically sensitive should also be carefully considered.
- Routine business matters and reactive publicity (e.g., responding to emergencies) can continue, with quotes generally from the Parish Clerk only.

3.4 Website and Member Profiles:

- The parish council will continue to display Members' profile pages on the website during the pre-election period as information about their current role.
- The parish council will consider suspending the hosting of material produced by third parties or closing public forums if these are likely to breach the Code of Recommended Practice.

4. FUNDING OF ELECTIONS

4.1 Introduction

A parish council is a civil local authority, and is the lowest or first tier of local government. They are elected corporate bodies, have variable tax raising powers, and are responsible for areas known as civil parishes.

Parish councils are funded by levying a precept collected with the council tax paid by the residents of the parish. Parish councils have unpaid councillors who are elected to serve for four years, unless a casual vacancy arises which may be filled by a by-election or co-option.

4.2 Costing

The costs of holding an election for a parish councillor are met by CMBC as the administrative body, they are recharged to the parish council



CMBC recharges the whole cost of parish elections or, where parish elections are combined with other polls, the whole of the element of the combined polls that is deemed to be attributable to the parish council elections. For example, where the parish elections are combined with CMBC council elections, the element of the combined costs that is deemed to be attributable to the parish elections is one half. Where the parish poll is combined with CMBC and parliamentary elections, the element of the combined costs that is deemed to be attributable to the parish elections is one third.

Note that the costs are only divided between the parishes and parish wards where there is a contested election.

4.3 SDPC will allocate a designated amount of £4,000 each year (or a total thereof) to fund upcoming elections. This funding will be used for voter education, election materials, and administrative costs. The council will review this amount annually to ensure it meets the anticipated recharging and may adjust it as necessary based on budget considerations.