



POLICE AND CRIME COMMISSIONER ELECTION FOR THE HERTFORDSHIRE POLICE AREA

5th MAY 2016

Guidance for Candidates and Agents

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Police and Crime Commissioners for England (excluding London) and Wales will be elected on Thursday 5th May 2016. This document contains guidance for candidates standing for election in the Hertfordshire Police Area and their agents.

This document is intended to act as guidance only; the Returning Officer accepts no responsibility for any errors or omissions in your completed nomination paper. Further information about the election and standing as a candidate is available on the website of the Electoral Commission:

<http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/police-and-crime-commissioner-elections>

Qualifications for standing for election

To be able to stand as a candidate at a Police and Crime in England you must be:

- at least 18 years old on the day of your nomination
- a British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union, and
- registered as a local government elector in a local council area that is within the police area in which you wish to stand, both at the time of your nomination and on polling day.

Disqualifications

Apart from meeting the qualifications for standing for election, you must also not be disqualified.

Most disqualifications apply on the day you are nominated and on polling day but some will only apply on taking up office

Disqualifications that apply on nomination and on polling day:

You cannot stand for election if on the day of your nomination and on polling day:

- You have been **nominated as a candidate** at a Police and Crime Commissioner election taking place on the same day **for a different police area**.
- You have ever been **convicted of an imprisonable offence**. This disqualification applies even if you were not actually imprisoned for that offence, or the conviction has been spent.
- You are a **police officer or are directly or indirectly employed by the police**.
- You are disqualified under certain provisions of the House of Commons Disqualification Act 1975, (as amended), if you are a **civil servant**, a **member of the armed forces** or hold any **judicial office** specified in Part 1 of

Schedule 1 of the House of Commons Disqualifications Act 1975 (as amended).

- You are a member of the **legislature of any country or territory outside the UK.**
- You are a member of staff of a local council that falls wholly or partly within the police area in which you wish to stand, or you are employed in an organisation that is under the control of a local council in the police area in which you wish to stand.

Note that you may be employed by an organisation that is under the control of a local council, for example, if you work for certain fire services or health services.

At a Police and Crime Commissioner election you are not treated as being employed by a local council if you work at a school (either as a teacher or a member of non-teaching staff) that is maintained or assisted by a local council.

Elected members of councils are not disqualified from being elected at a Police and Crime Commissioner election.

- You are the subject of a bankruptcy restrictions order **or interim order.**
- You have been **disqualified under the Representation of the People Act 1983** (as amended) if you have been convicted or have been reported guilty of a corrupt or illegal electoral practice or of an offence relating to donations, or under the Audit Commission Act 1998. The disqualification for an illegal practice begins from the date a person has been reported guilty by an election court or convicted and lasts for three years. The disqualification for a corrupt practice begins from the date a person has been reported guilty by an election court or convicted and lasts for five years.

Disqualifications that apply on election:

- Members of the House of Commons, the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly or the European Parliament may stand for election as a Police and Crime Commissioner. However, if they are elected they must resign their seat before taking up the post of Police and Crime Commissioner.
- If a Police and Crime Commissioner becomes a member of the House of Commons, the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly or the European Parliament, they are automatically disqualified from holding office as Police and Crime Commissioner.
- Members of the House of Lords are not disqualified from being a Police and Crime Commissioner.

The full range of disqualifications is complex and if you are in any doubt about whether you are disqualified, you must do everything you can to check that you are not disqualified before submitting your nomination papers. You must be sure that you are not disqualified as you will be asked to sign one of the required nomination papers to confirm that you are not disqualified. It is a criminal offence to make a false statement on your nomination papers as to your qualification for being elected, so if you are in any doubt you should contact your employer, consult the legislation or, if necessary, take your own independent legal advice.

The Returning Officer will not be able to confirm whether or not you are disqualified.

The Police Area Returning Officer

Each police area has a Police Area Returning Officer (PARO) who has overall responsibility for the election, including receiving completed nomination papers from candidates.

The contact details for the PARO are set out below.

Donald Graham
Police Area Returning Officer
Hertsmere Borough Council
Civic Offices
Elstree Way
Borehamwood
Herts
WD6 1WA
Tel: 020 8207 2277
Email: donald.graham@hertsmere.gov.uk

The Local Returning Officers

Local Returning Officers are responsible for conducting the election at local authority level. The contact details of the Local Returning Officers for the ten local authorities in the Hertfordshire Police Area are listed on pages 12 - 13. The Local Returning Officer is responsible for administering the voting process in their area including issuing postal votes, running polling stations and counting the votes cast in their area. Further details about the arrangements for the count are detailed below.

Election Timetable

Please find included at the end of this guidance. This includes important dates including the deadline for nominations which is 4pm on Thursday 7th April 2016.

Spending, Donations and the Election Campaign

Various statutes regulate the spending limits on candidates in promoting their campaigns, receiving donations and promoting their candidature. Detailed information is available on the Electoral Commission's website:

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/148740/PCC-Part-3-Spending-and-donations.pdf

The Hertfordshire Police Area spending limit for candidates promoting their candidature in 2016 is **£151,378**

Forms relating to the Election

The following forms are included in the nomination pack:

Candidate check list
Nomination paper
Candidates home address form
Consent to nomination
Certificate of authorisation (applicable to party candidates only)
Request for a party emblem (applicable to party candidates only)
Notification of election agent
Notification of sub agent (if appointed)

Completing the nomination pack

To become nominated at the election candidates need to submit a completed set of nomination papers to the PARO and pay a deposit of £5,000 by **4pm on Thursday 7th April 2016**. The start date from which candidates can submit a nomination paper is Monday 21st March 2016.

The following forms **must be delivered by hand**:

- Nomination form
- Home address form
- Consent to nomination

The following forms can be delivered by hand or post:

- Certificate of authorisation
- Request for party emblem
- Notification of election agent
- Notification of sub-agent

All the required papers are included in the nomination pack.

Nomination forms need to be submitted to the PARO at the following address:

Hertsmere Borough Council
Civic Offices
Elstree Way
Borehamwood
WD6 1WA

It would be helpful if candidates contacted the PARO to arrange a date and time to submit their papers in order that assistance can be offered, including the receipt of the election deposit (see below). Candidates may contact the PARO to have their nomination papers informally checked prior to their formal submission.

Further information about the nomination process, including qualifications and disqualification for election, is available from the Electoral Commission's website at:

<http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/police-and-crime-commissioner-elections>

The Deposit

For a nomination to be valid, a candidate or someone acting on their behalf must deposit £5,000 with the PARO by the deadline for nominations; that is by 4pm on Thursday 7th April. The deposit can be made using:

- cash (British pounds only)
- a UK banker's draft
- electronic transfer

Payments should be made to 'Hertsmere Borough Council'

Nomination paper (must be delivered by hand)

The candidate's full name must be listed on the nomination form.

A candidate can request to use a commonly used forename, surname or both. For example, they may be known by their abbreviated name 'Lou', rather than their full first name 'Louise'. In that case, they can write 'Lou' into the commonly used forename box on the nomination paper if they would rather that name appear on the ballot paper.

Please note, however, a candidate cannot use their first name as a commonly used name so that only their first name and surname appear on a ballot paper, thus excluding their middle name.

The PARO may reject a commonly used name if he considers its use may be likely to mislead or confuse electors or it is obscene or offensive.

The use of commonly used names only applies to the statement of persons nominated, the notice of poll and the ballot paper. The candidate's full name must appear on any documents that are required to show the candidate's name such as the imprint and candidate's spending returns.

Subscribers

Nomination forms must include an indication of support for the candidate from 100 electors registered on the local government electoral register for a voting area within the police area.

The proposer, seconder and other subscribers may be registered anywhere in the police area and there is no limit to the numbers of subscribers from any one voting area. All 100 may be registered in one voting area or 20 may be registered in five different voting areas.

Each subscriber is required by law to sign the nomination paper in the appropriate place and their electoral number must be included in the spaces provided alongside their signature, along with the polling district's identifying letters.

Subscribers must appear on the local government register for Hertfordshire that is in force on the last day for publication of notice and election which is the register published on 1st March 2016.

An elector must not subscribe more than one nomination form in a police area at the PCC election.

Home address form (must be delivered by hand)

For a nomination to be valid, candidates must submit a completed home address form with their nomination form and consent to nomination. Candidates' home addresses will not appear on the ballot paper, and candidates can choose whether or not they want their address to be made public, i.e. published on the statement of persons nominated. Home address forms are not available for public inspection and will be destroyed after the election.

Consent to nomination (must be delivered by hand)

Candidates must also formally consent to their nomination in writing and this must include:

- that they are 18 years of age on the day of nomination
- on the day of nomination and day of election they will be registered in the register of local government electors for an electoral area in respect of an address in the police area
- the candidate's date of birth
- a statement that they are aware of the provisions of the Police Reform and Social Responsibility Act 2011 and that to the best of their knowledge and belief are not disqualified from election as a Police and Crime Commissioner
- a statement that they meet all the qualifications for standing

Candidates are not allowed to sign their consent form earlier than 31 calendar days before the deadline for submitting their nomination papers (i.e. not earlier than the 6 March 2016)

The consent must be witnessed by another person. There are no restrictions on who can be a witness to the consent to nomination. The witness must provide their name and address on the consent form.

The Certificate of Authorisation (can be delivered by hand or post)

Political parties authorise candidates to stand for them by issuing a certificate of authorisation. This must state that the named candidate can stand on their behalf and allow them to use one of the following:

- the exact party name as registered with the Electoral Commission
- one of the party's registered descriptions
- the choice of either the registered party name or one of the registered descriptions

Request to use an emblem on the ballot paper (can be delivered by hand or post)

Candidates that have been authorised by a political party to use the party name or a registered description on the ballot paper can also request that one of the party's official emblems is printed on the ballot paper next to their name.

Appointment of election agent (can be delivered by hand or post)

An election agent is the person responsible for the proper management of a candidates' election campaign and, in particular, for its financial management. Candidates must have an election agent. If candidates do not appoint an agent, the candidate will become their own agent by default. A form for the purpose of appointing an election agent is included in the nomination pack.

Sub-agent appointments (can be delivered by hand or post)

The election agent may appoint one or more sub-agents to act within the police area but each must have a separate area. **Sub agent areas must not overlap.**

The office of the sub-agent must be in the area within which they are appointed to act.

A sub-agent can do anything that the election agent is entitled to do within the area to which they are appointed. However, they may only attend the result calculation if it is taking place within the area in which they have been appointed and they are acting in the place of the election agent.

The deadline for sub-agent appointment is Wednesday 27th April 2016.

Other agents: postal votes, the poll and the verification and count

The opening of the postal votes, the conduct of the poll and the verification and counting of the votes cast will take place in each of the respective electoral areas comprising the police area (that is the ten district areas comprising the county of Hertfordshire)

To attend at the opening of the postal votes, the poll and the verification and count, candidates and/or their agents will need to contact the respective Local Returning Officers.

Local Returning Officers will be issuing the postal votes by 18th April. You should contact each local area for exact dates.

Forms for the appointment of agents to attend the opening of the postal votes, the count and the appointment of polling agents are included in the nomination pack. As indicated these need to be submitted to the respective Local Returning Officers as follows:

- the poll
- the verification and count(the deadline for the appointment of these agents is Wednesday 27th April 2016)
- the opening of postal votes(the appointment forms for postal voting agents only need to be submitted to the relevant LRO by the time fixed for the opening session of postal votes the agent wishes to attend)

The LROs will notify all candidates after the close of nominations as to the number of counting agents (and guests) that may be appointed to attend the count.

Election address for the candidates' website

Candidates at this election may provide an election address to the PARO for publication on a website provided by the Minister. A candidate's election address must be prepared by their election agent, not be longer than 300 words and submitted to the PARO by 12 noon on Thursday 7th April 2016.

The election address must meet certain requirements relating to formatting and contents, and must be approved by the PARO for inclusion on the website. Candidates will be provided with a template form on which to submit their election address. The template will be made available to the PARO on 23rd March and circulated to candidates and agents on this date.

When the address is submitted the PARO will check it meets the requirements and invite corrections for resubmission (if necessary)

The PARO will share a copy of the address as it will appear on choosemypcc.org.uk with the candidate's agent to ensure it is accurate and give a deadline for the return of any comments and suggestions.

The content and format of the address is regulated by statute and further information can be viewed via the following link to the Electoral Commission's web site;

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0003/148746/PCC-Part-4-The-campaign.pdf

Verification, count and the calculation of result

Where there are more than two candidates standing at the election, the supplementary vote electoral system will be used to elect the successful candidate. Under this system electors can vote for a first and second choice candidate.

Under the supplementary vote system all the first choice votes will be counted and if a candidate has more than 50% of the votes cast, they will be declared elected. If no candidate receives 50% of the first choice votes, the top two candidates continue to a second round and all other candidates are eliminated. Second choice votes of everyone who's first choice has been eliminated are then counted. Any votes for the remaining candidates are then added to their first round totals and whichever candidate has the most votes after the second preferences have been allocated, will be elected.

As mentioned LROs will conduct their local verifications and counts in their electoral areas. The PARO is responsible for the calculation of the result and this will take place on Friday 6th May 2016 at:

Allum Lane Community Centre
Allum Lane
Elstree
WD6 3PJ

The timings of the various stages are as follows:

9am – 10.30am: LROs to provide the PARO with local verification figures

By 1pm: All first stage count figures to be transmitted to the PARO

From 2pm: Second stage count (if required)

Those entitled to attend the result calculation are:

- Candidates and one person chosen by each candidate
- Election agents (any sub-agent appointed for the area in which the result calculation takes place may attend while the election agent is not present)

Declaration of acceptance of office

If elected your term of office as Police and Crime Commissioner will start on the seventh calendar day after polling day (that is Thursday 12th May 2016)

The declaration of office must be made within two months from the day of election and may be signed immediately after the result of the election has been declared.

Candidates election spending

All election agents must submit a candidate spending return to the PARO together with relevant invoices and receipts. These must be submitted no later than 70 calendar days after the election result is declared (15th July 2016) Election agents and candidates must also submit declarations vouching for the candidate's election spending return. The election agent's declaration must be submitted at the same time as the return. The candidate's declaration must be submitted within seven working days of the election agent submitting the return. Copies of each candidate's election spending return and any accompanying documents are available for public inspection without charge for a period of two years.

The spending limit for candidates in the Hertfordshire Police Area is **£151,378**

The required forms for completing the election returns listed below will be available from the PARO soon:

- return of candidate election spending form
- declaration by election agent as to election spending
- declaration by candidate as to election spending

Further guidance and information

This guidance pack provides a summary of the main points for candidates standing at the election.

Candidates and their agents are also invited to contact the PARO and/or Local Returning Officers as appropriate for any further enquiries relating to the election.

Local Returning Officer Contact Details

East Herts District Council

Liz Watts
Local Returning Officer
East Herts District Council
Wallfields
Pegs Lane
Herts
SG13 8EQ
Tel: 01279 655261
Email: liz.watts@eastherts.gov.uk

Hertsmere Borough Council

Donald Graham
Local Returning Officer
Hertsmere Borough Council
Civic Offices
Elstree Way
Borehamwood
Herts
WD6 1WA
Tel: 0208 207 2277
Email: donald.graham@hertsmere.gov.uk

Stevenage Borough Council

Scott Crudgington
Local Returning Officer
Stevenage Borough Council
Daneshill House
Danestrete
Stevenage
Herts
SG1 1HN
Tel: 01438 242185
Email: scott.crudgington@stevenage.gov.uk

Three Rivers District Council

Steven Halls
Local Returning Officer
Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
Herts
WD3 1RL
Tel: 01923 727281
Email: steven.halls@threerivers.gov.uk

Watford Borough Council

Manny Lewis
Local Returning Officer
Watford Borough Council
Town Hall
Watford
Herts
WD17 3EX
Tel: (01923) 278339
Email: Gordon.amos@watford.gov.uk

Welwyn Hatfield Borough Council

Michel Saminaden
Local Returning Officer
Welwyn Hatfield Borough Council
Council Offices
The Campus
Welwyn Garden City
Herts
AL8 6AE
Tel: 01707 357325
Email: m.saminaden@welhat.gov.uk

St. Albans City & District Council

Mike Lovelady
Local Returning Officer
St. Albans City & District Council
District Council Offices
St. Peters Street
St. Albans
Herts
AL1 3JE
Tel: 01727 819502
Email: mike.lovelady@stalbans.gov.uk

Broxbourne Borough Council

Jeff Stack
Local Returning Officer
Broxbourne Borough Council
Bishops' College
Churchgate
Cheshunt
Herts
EN8 9XQ
Tel: 01992 785553
Email: jeff.stack@broxbourne.gov.uk

North Herts District Council

David Scholes
Local Returning Officer
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
Herts
SG6 3JF
Tel: 01462 474300
Email: david.scholes@north-herts.gov.uk

Dacorum Borough Council

Sally Marshall
Local Returning Officer
Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
Herts
HP1 1HH
Tel: 01442 228213
Email: sally.marshall@dacorum.gov.uk