

Returning Officer: Craig Hatton

Election Office, Cunninghame House, Irvine KA12 8EE

Tel: 01294 324729

Email: elections@north-ayrshire.gov.uk

Web: www.north-ayrshire.gov.uk/elections

Friday 22nd March 2024

Prospective Candidates for the Scottish Local Government By-election

Dear Sir/Madam

Scottish Local Government By-election - Thursday 9 May 2024 Ward 6 - Kilwinning

I enclose nomination papers, including relevant supporting documentation, for the By-election to be held on Thursday 9 May 2024 in Ward 6 - Kilwinning.

I have made arrangements for the staff in the Election Office to accept nomination papers between **10am** and **4pm** from **Monday 25 March 2024 to Friday 5 April 2024** at the Election Office, Cunninghame House, Irvine KA12 8EE. The office will be closed on Friday 29 March 2024 and Monday 1 April 2024 due to public holidays. If you require specific access arrangements to attend, please contact the Election Office on 01294 324729.

To ensure an appropriate member of staff is on hand to receive nominations, it would be helpful if Candidates or Election Agents could contact the Election Office on 01294 324729 to arrange a mutually convenient date and time for checking and lodging the nomination papers.

Completed nomination papers **must be lodged by 4pm on Friday 5 April 2024** at the Election Office, Cunninghame House, Irvine KA12 8EE.

Candidates are advised to read the Electoral Commission's Guidance to Candidates and Agents which contains all the relevant information for this By-election. This can be found on their [website](#). This guidance covers:

- Part 1 - [Can you stand for elections?](#)
- Part 2a - [Standing as an Independent Candidate](#)
- Part 2b - [Standing as a Party Candidate](#)
- Part 3 - [Spending and Donations](#)
- Part 4 - [The Campaign.](#)
- Part 5 - [Your right to attend key events](#)
- Part 6 - [After the declaration of results](#)

You will note from this Guidance that the Electoral Commission advise Returning Officers will offer briefings ahead of the By-election and they strongly encourage you to attend, even if you have been an Election Agent or stood for election before. The Candidates Briefing Session will be held on **Thursday 11 April at 5.30 pm** to provide you with additional information about the poll and count. The session provides an important opportunity for you to clarify any issues or ask any questions you may have about the arrangements for the By-election.

The spending limit for the regulated period is £806, plus 7p per local government elector in the ward registered to vote on the last day for publication of the Notice of Election in the ward which you are standing for. As at Thursday 21 March 2024 there were 13238 electors registered which means the spending limit is approximately £1732.66. Exact spending figures will be given to you after Wednesday 27 March 2024.



There are separate spending limits for joint candidates. You are a joint candidate if you stand in the same ward and:

- Have the same election agent, or
- Use the same campaign rooms, or
- Publish joint material

Number of joint candidates	Reduction of spending limit
Two	25% - a quarter
Three or more	33% - a third

It would be helpful if you could complete and return the attached pro forma advising if you and/or your Election Agent wish to attend. This will ensure we can make appropriate arrangements on each occasion.

In the meantime, if you have any questions or require clarification on the above or any part of the nomination pack, please do not hesitate to contact the Election Office.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'CH', written over a horizontal line.

Craig Hatton
Returning Officer

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Scottish Local Government By-election – Thursday 9 May 2024

Ward 6 - Kilwinning

**Attendance at Candidates' and Election Agents' Awareness Session on Thursday 11
April at 5.30 pm**

Name of Candidate	
Name of Election Agent	
Party Description/Independent	
Email address(es) to be used for invite	

Date _____

Signature _____

Please return this pro forma to the Election Office as soon as possible.

Nomination Pack

Scottish Local Government By-election
Ward 6 - Kilwinning
Thursday 9 May 2024



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Nomination Pack Contents

You must print off the forms in this pack before submitting them.

You should also read the Electoral Commission's [Guidance for candidates and agents](#) when completing the forms in this pack. Only original forms and original signatures will be accepted.

Candidate Checklist – this checklist is designed to assist Candidates in preparing to submit their Nomination.

- Nomination Form and Consent to Nomination – **this form must be delivered by hand and cannot be submitted by post, fax, email or other electronic means.**
- Home Address Form – **this form must be delivered by hand and cannot be submitted by post, fax, email or other electronic means.**
- Certificate of Authorisation to Use Party Description/Party Name (for Party Candidates only) – **this form can be delivered by hand or post but may not be submitted by fax, email or other electronic means.**
- Request to Use Registered Emblem (for Party Candidates only) - **this form can be delivered by hand or post but may not be submitted by fax, email or other electronic means.**
- Notification of Appointment of Election Agent - **this form can be delivered by hand or post but may not be submitted by fax, email or other electronic means.**

Electoral Commission guidance for Candidates and Agents states:

The original version of the forms must be submitted. A certificate of authorisation which has been sent as an attachment to an email to be printed out, for example, would make it a 'copy document' and not the original document.

- Requirement of Secrecy
- North Ayrshire Council Policy for Letting Vacant Council Property for Election Purposes
- List of Rooms in Halls & Centres available for election meetings
- Application by a Candidate for a copy of the Electoral Register and/or Absent Voters List
- Election Timetable of Key Dates
- North Ayrshire Ward Map
- Being a Local Councillor
- Code of Conduct for Elected Members
- Candidate Contact Details

Delivery of Nominations

Nomination Papers can be delivered on working days between **10am and 4pm commencing on Monday 25 March 2024. The deadline for the delivery of nomination papers is no later than 4pm on Friday 5 April 2024.** Please contact the Election Office to make an appointment to submit nominations. Phone: (01294) 324729 or email: elections@north-ayrshire.gov.uk.

Candidates/Agents requiring a pre-check of nomination papers should contact the Election Office to make an appointment by email: elections@north-ayrshire.gov.uk or phone: (01294) 324729.

General Data Protection Regulation (GDPR)

Data protection legislation applies to the processing of all personal data. Please contact the [Information Commissioner's Office](#) for further information about how the legislation affects you.

The lawful basis to collect the information in these forms is that it is necessary for the performance of a task carried out in the public interest and exercise of official authority as set out in the Representation of the People Act 1983 and associated regulations.

The information will be processed by the Returning Officer. For further information on data protection and data processing, you should refer to the Returning Officer's privacy notice on the Council's [website](#).

This checklist is designed to assist candidates standing in a council election in Scotland in preparing to submit their nomination, and should be read alongside the Electoral Commission's [Guidance for candidates and agents](#).

Task	Tick
Nomination form (all candidates)	
If not pre-printed, add the name of the electoral ward and day and date of the election you are standing in.	
Add your full name – surname in the first box and all other names in the second.	
Optional - Use the commonly used name(s) boxes if you are commonly known by a name other than your full name and want it to be used instead of your full name.	
Description – Party candidates can use a party name or description registered with the Electoral Commission and supported by a certificate of authorisation from that party; others can use 'Independent' or leave this blank. Whatever you enter in this box will appear as your description on the ballot paper.	
You must be a British citizen, qualifying Commonwealth citizen, qualifying foreign national or a schedule 6A national and not require leave to remain in the United Kingdom, or have indefinite leave to remain, or (in the case of foreign nationals) have pre-settled status. You must also be 18 years old or older on the date you sign this form.	
You must declare that you meet at least one of the listed qualifications (a, b, c or d) and should cross through any that do not apply. Those left should match the qualification(s) given on your home address form.	
You must not sign the form if you are disqualified to stand. Make sure that you read the Electoral Commission guidance on standing for election as well as the legislation listed. If you are not sure if you are able to stand you should contact the Electoral Commission or take your own legal advice.	
Sign and date the document in the presence of another person. You must not sign the consent to nomination earlier than one calendar month before the deadline for submitting your nomination papers.	
Get the other person to complete and sign the witness section. This must be the same person whose details you provided as your witness on the home address form.	
Method of submitting the nomination form (which must include all pages of legislation) to the RO: by hand, in person (but not limited to you or your agent). It cannot be submitted by post, fax, email or other electronic means.	
Candidate's home address form (all candidates)	
Add your full name.	
Add your home address in full.	
Add your qualifying address, or qualifying addresses, to each of the relevant qualifications and tick those which apply.	
Add the full name and home address in full of the person who will witness your nomination form. The home address form will not be accepted without this information.	

Please also complete part 2 of the form, this part must be submitted as part of your nomination papers. Part 2 includes a statement to be completed if you wish for your home address to be made public.	
Method of submitting the form to the RO: in person (but not limited to you or your agent), by hand, to be accompanied by the nomination form. It cannot be submitted by post, fax, e-mail or other electronic means.	
Certificate of authorisation (party candidates only)	
Ensure the certificate contains the candidate's full name.	
Check the certificate allows the registered party name or description given on the nomination form to be used (or allows the candidate to choose to use the party name or any registered description).	
Ensure it is issued by the party Nominating Officer (or someone that they have authorised to issue it on their behalf) and that it is the original copy signed by that person.	
Method of submitting the certificate of authorisation to the RO: by hand (but not limited to you or your agent) or by post (it cannot be submitted by fax, email or other electronic means).	
Request for party emblem (party candidates only)	
Write the name or description of an emblem registered by the party and published on the Electoral Commission's website.	
Ensure the request is made by the candidate.	
Method of submitting the emblem request to the RO: by hand (but not limited to you or your agent) or by post (it cannot be submitted by fax, email or other electronic means).	
Notification of appointment of an election agent	
Give the name, address and office address of the appointed election agent. If you do not appoint an agent or choose to act as your own agent and do not provide an office address, your home address will be published on the notice of election agents if that address is within the required area.	
Give your name and signature (or the signature of a person authorised to act on your behalf).	
Ensure the appointed agent signs the form showing their acceptance (you do not need to sign the form again if you are appointing yourself as the election agent).	
Method of submitting the notification of election agent to the RO: by hand or by post (it cannot be submitted by fax, email or other electronic means).	

Office Use only	Date received	Time received	Initials	No.

1	Council election	Nomination form
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*ELECTION OF COUNCILLORS / A COUNCILLOR for the	
electoral ward:	Ward 6 - Kilwinning
of North Ayrshire	Council
Day and date of election	Thursday 9 May 2024

I, the undersigned, am hereby nominated as a candidate at the said election.

Candidate's Details	
Candidate's surname	
Other names in full	
Commonly used surname (if any) <i>(see Note 3 below)</i>	
Commonly used forenames (if any) <i>(see Note 3 below)</i>	
Description (if any) <i>(see Note 6 below)</i>	

I, the nominee for election, consent to being nominated as a candidate for the

electoral ward:	Ward 6 - Kilwinning
Of North Ayrshire	Council

I declare that I am qualified to be elected; that I have attained the age of 18 years and am a qualifying Commonwealth citizen or a citizen of the Irish Republic or a qualifying foreign national or a schedule 6A national; that I am not subject to any legal incapacity; and that in terms of Section 29 of the Local Government (Scotland) Act 1973:

*a. I am registered as a local government elector for the local government area named above as in the register of electors

and my electoral number *(see Note 5 below)* is:

and / or	*b. I have during the whole of the 12 months preceding the day of nomination occupied as owner or tenant land or premises in the area named above;
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and / or	*c. I have during the 12 months preceding the day of my nomination had my principal or only place of work in the area named above;
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and / or	*d. I have during the whole of the 12 months preceding my nomination resided in the area named above.
*Delete qualifications that are not applicable	
I declare that	
<p>a. I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of any of the disqualifications in Section 31 of the Local Government (Scotland) Act 1973, a copy of which is printed overleaf;</p> <p>b. I am not disqualified for election by reason of holding a politically restricted post in terms of Section 1(1) of the Local Government and Housing Act 1989, under a local authority within the meaning of Part 1 of that Act; and</p> <p>c. I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of any sanction imposed by the Standards Commission for Scotland in terms of Section 19(1)(d) of the Ethical Standards in Public Life etc. (Scotland) Act 2000</p>	
Candidate's signature	
Date	
Witness: I confirm the above-mentioned candidate signed the declaration in my presence.	
Signature of witness:	
Witness (name in full):	
Date	

This form must be delivered to the Returning Officer by no later than 4pm on the last day for delivery of nomination papers.

A candidate who is qualified by more than one qualification should complete all of those that apply.

Notes

1. The attention of candidates and local government electors is drawn to the rules for completing nomination papers and other provisions relating to the nominations contained in the local government election rules contained in Schedule 1 to the Scottish Local Government Elections Order 2011.
2. Where a candidate is commonly known by some title they may be described by their title as if it were their surname.
3. If a candidate's nomination form gives a commonly used surname or forename in addition to or instead of another name the nomination form may state the commonly used forename or surname in addition to or instead of the other name.
4. But in terms of rule 14(7) and (8) the ballot paper will not show the other name if the Returning Officer thinks:
 - (a) that the use of the commonly used name may be likely to mislead or confuse electors; or
 - (b) that the commonly used name is obscene or offensive.
5. A person's electoral number consists of the distinctive letter or letters (or number or numbers) of the polling district in which the candidate is registered together with the number in the register to be used at the election, except that before publication of the register the distinctive letter or letters (or number or numbers) of the polling district in which the candidate is entitled to be registered together with the number (if any) in the electors lists for that register shall be used instead.
6. Description (if any) and commonly used surname / forename (if any) must be read in terms of rule 4 of the election rules. See the Electoral Commission's [Guidance for candidates and agents](#) for full details.

Local Government (Scotland) Act 1973: Disqualifications

31 – Disqualifications for nomination, election and holding office as member of local authority

(1) Subject to subsections (2) and (3) below, a person shall be disqualified for being nominated as a candidate for elections as, or for being elected, or for being a member of a local authority if –

- (a) *[This has been removed and no longer applies]*
- (b) he is a person whose estate has been sequestrated by a court in Scotland or who has been adjudged bankrupt elsewhere than in Scotland; or
- (ba) he is subject to a bankruptcy restrictions order;
- (c) he has, within five years before the day of nomination, or election or since his election, as the case may be, been convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic 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
- (d) he is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983.

(1A) A person is disqualified for being a member of a joint board if he or a partner of his holds any paid office or employment (other than the office of convener or depute convener of the board) or other place of profit in the gift or disposal of the board.

(2) Where a person is disqualified under subsection (1) by reason of his estate having been sequestrated, the disqualification shall cease if and when –

- (a) the sequestration of his estate is recalled or reduced; or
- (b) he is discharged under or by virtue of the Bankruptcy (Scotland) Act 2016.

(3) Where a person is disqualified under subsection (1) above by reason of having been adjudged bankrupt, then –

- (a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the date of the annulment;
- (b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, the disqualification shall cease on the date of his discharge; and
- (c) if he is discharged without such a certificate, his disqualification shall cease on the expiration of five years from the date of his discharge.

(3A) A person who is for the time being an officer or employee of the Strathclyde Passenger Transport Authority or an employee of a subsidiary of that Authority shall be disqualified for being appointed or for being a member of the Strathclyde Passenger Transport Authority.

(3B) In subsection (1)(ba) above, “bankruptcy restrictions order” means –

- (a) a bankruptcy restrictions order made under section 155 of the Bankruptcy (Scotland) Act 2016;
- (b) *[This has been removed and no longer applies]*
- (c) a bankruptcy restrictions order made under paragraph 1 of Schedule 4A to the Insolvency Act 1986; or
- (d) a bankruptcy restrictions undertaking entered into under paragraph 7 of that Schedule.

[The following section refers to candidates who are elected. Holders of posts mentioned in this section, except those in subsection (6), are not disqualified from standing for election, but must resign in compliance with this section]

31A – Disqualification of officers, employees etc. from remaining members of local authority

(1) A person elected a member of a local authority who is the holder of any paid office or employment or other place of profit in the gift or disposal of the authority is disqualified from remaining a member of the authority after the relevant day unless the person complies with subsection (2) below.

(2) A person complies with this subsection by resigning, not later than the relevant day, from that office, employment or, as the case may be, other place of profit.

(3) A resignation effected in pursuance of subsection (2) above terminates the holding of the office, employment or other place of profit with immediate effect notwithstanding any contrary provision in the terms and conditions under which the office, employment or place of profit is held.

(4) In this section the “relevant day” is the day first occurring after that on which the person elected a member of the local authority was, under the local elections rules, declared to be so elected (no account being taken of a day which is a Saturday or Sunday or Christmas Eve, Easter Monday, or a bank holiday in Scotland under the Banking and Financial Dealings Act 1971 or a day appointed for public thanksgiving or mourning in Scotland).

(5) In subsection (4) above, the “local elections rules” means an order made under section 3(1) of the Local Governance (Scotland) Act 2004.

(6) This section does not affect section 1 (disqualification and political restriction of certain local government officers and staff) of the Local Government and Housing Act 1989.

Local Government and Housing Act 1989: Political restrictions of officers and staff

1 – Disqualification and political restriction of certain officers and staff

(1) A person shall be disqualified from becoming (whether by election or otherwise) or remaining a member of a local authority if he holds a politically restricted post under that local authority or any other local authority in Great Britain.

Ethical Standards in Public Life etc. (Scotland) Act 2000: Enforcement

19 – Action on finding of contravention

- (1) Where the members of the Commission conducting a hearing find that a councillor has contravened the councillors' code or a member of a devolved public body the members' code, they shall impose one of the following sanctions—
 - (a) censuring, but otherwise taking no action against, the councillor or member;
 - (b) suspending, for a period not exceeding one year, the councillor's or member's entitlement to attend one or more but not all of the following—
 - (i) all meetings of the council or body;
 - (ii) all meetings of one or more committees or sub-committees of the council or body;
 - (iii) all meetings of any other body on which the councillor or member is a representative or nominee of the council or body;
 - (c) suspending, for a period not exceeding one year, the councillor's or member's entitlement to attend meetings of the council or body and of any committee or sub-committee thereof and of any other body on which the councillor or member is a representative or nominee of the council or body;
 - (d) in the case of a councillor, disqualifying the councillor for a period not exceeding five years, from being, or from being nominated for election as, or from being elected, a councillor;
 - (e) in the case of a member of a devolved public body, removing the member from membership of the body and disqualifying the member, for a period not exceeding five years, from membership of the body.
- (2) A period of suspension imposed under subsection (1)(b) or (c) above which would continue until or after the day of the next following ordinary election of councillors shall end at the beginning of that day.
- (3) Disqualification imposed under subsection (1)(d) above—
 - (a) has the effect of vacating the councillor's office; and
 - (b) extends to the councillor's membership of committees and sub-committees of the council of which the councillor was a member and any joint committee, joint board or other body on which the councillor is a representative or nominee of the council.
- (4) Where the members of the Commission disqualify, under subsection (1)(d) above, a councillor who is also a member of a devolved public body otherwise than as a representative or nominee of the council, they may also, in respect of that membership, remove and disqualify that person under subsection (1)(e) above.
- (5) The members of the Commission, on removing and disqualifying a member of a devolved public body under subsection (1)(e) above, may—
 - (a) where the member is a councillor, disqualify that person under subsection (1)(d) above; or
 - (b) direct that the removal from membership and disqualification apply also in respect of any other devolved public body of which the member is a member.
- (6) The members of the Commission may, on imposing a suspension under subsection (1)(b) or (c) above on a member of a devolved public body, direct that any remuneration or allowance deriving from membership of the body that would be payable to the member be not paid or be reduced as they direct.
- (7) The powers to remove and disqualify a person from membership of a devolved public body under subsections (4) and (5)(b) above are exercisable as respects that body only after the members' code applicable to that body first has effect.

- (8) The Commission shall, after consulting such association of local authorities and any such other bodies or persons as it thinks fit, issue guidance to councils on the extent to which a councillor should engage in activities (other than those mentioned in subsection (1)(c) above) which are, or may be perceived to be, the activities of a councillor during a period of suspension.

Home address form	Office use only			
Local government elections in Scotland	Date received	Time received	Initials	No
ELECTION OF COUNCILLORS / A COUNCILLOR for the				
Ward 6 - Kilwinning	electoral ward of the			
LOCAL GOVERNMENT AREA of:	North Ayrshire			
Date of election:	Thursday 9 May 2024			

You must complete Part 1 and Part 2. Only sign Part 2 if you wish for your home address to be made public.

Part 1:		
Full name of candidate		
Home address (in full)		
Qualifying address: Add your qualifying address, or qualifying addresses (in full) to each of the relevant qualifications below (you can complete more than one qualification).		
Qualifications that apply (tick those which apply)		Address
(a) I am registered as a local government elector for the area of local government named above		
(b) I have during the whole of the preceding 12 months occupied as owner or tenant land or other premises in the local government area named above		
(c) my principal or only place of work during the preceding 12 months has been in the local government area named above		
(d) I have during the whole of the preceding 12 months resided in the local government area named above		
Witness details		
Full name of the person who will witness the candidate's consent to nomination form		
Full home address of the person who will witness the candidate's consent to nomination form		

Part 2:

Note: This part (part 2) of the home address form must be submitted as part of your nomination papers

If you DO NOT wish for your home address to be made public you MUST indicate in which relevant area your home address is situated, but do not need to sign this form. The name of the relevant area in which your home address is situated (or country, if outside the UK), as explained below, will appear on the notice of poll and the ballot paper, but your home address will not.

The relevant area my home address is situated in:

(insert name of relevant area)¹

OR

My home address is situated outside the UK. My home address is situated in:

(insert name of country)

OR; you can request that your home address is made public; your address will then appear on the notice of poll and the ballot paper.

Statement: I require my home address to be made public, I understand that the address will appear on the notice of poll and the ballot paper (put an X in the box to the right and sign in the box below)

Signature of candidate (only required where the statement above requiring home address to be made public has been completed)

Candidate's signature:

Date:

Deliver the home address form with the nomination papers to the Returning Officer by no later than **4pm** on the last day for delivery of nomination papers.

¹ the name of the "relevant area" in which your home address is situated (if your home address is in the UK)

- **For home addresses in Scotland:**
 - the local government area in which the address is situated
- **For home addresses in Northern Ireland:**
 - the local government district in which the address is situated
- **For home addresses in England:**
 - if the address is within a district for which there is a district council, that district;
 - if the address is within a county in which there are no districts with councils, that county;
 - if the address is within a London borough, that London borough;
 - if the address is within the City of London (including the Inner and Middle Temples), the City of London; and
 - if the address is within the Isles of Scilly, the Isles of Scilly
- **For home addresses in Wales:**
 - if the address is within a county, that county;
 - if the address is within a county borough, that county borough

Note: The relevant area should be given in the format described above and is not the ward or parish, nor should the local authority name be given in full

Office Use only	Date received	Time received	Initials	No.

3

Council election

Certificate of authorisation

To accompany the nomination of a candidate standing **on behalf of a registered political party**. Candidates standing on behalf of two or more parties require a certificate from each party and each must allow the registered joint description to be used.

This certificate must be authorised by the registered Nominating Officer of the party or by a person authorised to sign on their behalf.

The Nominating Officer can authorise the candidate to use either the name of the party or a particular description registered with the Electoral Commission, or to use 'any registered description or the party name as registered with the Electoral Commission'. Party names and registered descriptions are listed on the Electoral Commission website (<http://search.electoralcommission.org.uk>).

Details of candidate to be authorised and the allowed description/party name			
Council:	North Ayrshire	Date of election:	Thursday 9 May 2024
Ward:	Ward 6 - Kilwinning		
I hereby certify that			
The candidate (name in full):			
Is authorised to stand for:	Name of political party registered with the Electoral Commission		
The candidate may include the following registered description/party name in their nomination form:			
Note: An incorrect or fraudulently completed form may lead to the rejection of the nomination form as invalid			
Signature of party's registered Nominating Officer (or person authorised by the registered Nominating Officer):			
Name of person signing this form:			
Date:			

This form must be delivered for a candidate standing on behalf of a political party to the Returning Officer by no later than 4pm on the last day for delivery of nomination papers.

Office Use only	Date received	Time received	Initials	No.

4

Council election

Request for a party emblem

This form is for a **candidate of a political party** who has been given a certificate of authorisation and who wishes to have a party emblem printed on the ballot paper next to their name.

The registered emblems of a political party can be found on the Commission's website at <http://search.electoralcommission.org.uk>.

This form must be signed by the candidate.

Candidate's request for use of an emblem			
Council:	North Ayrshire	Date of election:	Thursday 9 May 2024
Ward:	Ward 6 - Kilwinning		
Candidate's name in full:			
I request that the ballot paper shall contain, against my name, the following registered emblem (please identify which emblem if the party has registered more than one):			
Emblem to be used (please use name or description as on the Electoral Commission website):			
Candidate's signature:			
Date:			

This form must be delivered for a candidate standing on behalf of a political party to the Returning Officer by no later than 4pm on the last day for delivery of nomination papers.

Candidates standing on behalf of more than one political party and using a joint description may choose one emblem from one of the parties that they are standing for. Please indicate the name of the party and the emblem name in the 'Emblem to be used' box above.

	Date received	Time received	Initials	No.
Office Use only				

5

Council election

Notification of election agent

Council:	North Ayrshire	Date of election:	Thursday 9 May 2024
Ward:	Ward 6 - Kilwinning		

Candidate's notification of their election agent

I, (Candidate's name in full):

Hereby declare that the name and address of my election agent is

Agent's name:

Agent's address (in full):

The office address of my election agent to which all claims, notices, legal process and other documents may be sent is:

Agent's office address in full:

Candidate's signature (or of a person authorised to act on behalf of candidate):

Date:

Confirmation of acceptance by election agent

I [agent named above] confirm my acceptance as the election agent for the above named candidate. I understand that I must carry out my duties according to law. I understand that there are penalties if I fail to fulfil my duties according to law.

Agent's signature:

Date:

Agent's other details in case of query (Optional – will not be published)

Home telephone:

Work telephone:

Mobile telephone:

Email address:

This form must be delivered to the Returning Officer by no later than 4pm on the last day for delivery of nomination papers.

The Scottish Local Government Elections Order 2011

Rule 27

Requirement of Secrecy

Dear Stakeholder

This document sets out the requirement of secrecy as provided for in the Scottish Local Government Elections Order 2011 (Rule 27).

So far as you have an interest in any of the proceedings relating to the by election in Ward 6 – Kilwinning to be held on Thursday 9 May 2024, you are required to adhere to the statutory provisions contained herein.

Craig Hatton
Returning Officer

The Scottish Local Government Elections Order 2011

Rule 27: Requirement of secrecy

27.—(1) The following persons attending at a polling station, namely—

- (a) a returning officer or a member of staff of a returning officer;
- (b) a presiding officer or clerk;
- (c) a candidate;
- (d) an election agent;
- (e) a polling agent;
- (f) a person attending by virtue of sections 6A to 6D of the Political Parties, Elections and

Referendums Act 2000(27) (representatives of the Electoral Commission and accredited observers),

shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed the information described in paragraph (2).

(2) The information referred to in paragraph (1) is any information as to—

- (a) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
- (b) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
- (c) the official mark being used in accordance with rule 16(1).

(3) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—

- (a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;
- (b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.

(4) No person shall—

- (a) interfere with or attempt to interfere with a voter when the voter is recording the voter's vote;
- (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
- (c) communicate at any time to any person any information obtained in a polling station as to the candidate or candidates for whom a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of a ballot paper given to a voter at that station; or
- (d) directly or indirectly induce a voter to display a ballot paper after the voter has marked it so as to make known to any person the name of the candidate or candidates for whom the voter has or has not voted.

(5) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of voting and shall not—

- (a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark;
- (b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of any ballot paper sent to any person;
- (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper; or
- (d) attempt to ascertain at the proceedings in connection with the receipt of ballot papers the name of the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.

(6) No person having undertaken to assist a voter with disabilities to vote shall communicate at any time to any person any information as to the name of the candidate or candidates for whom that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of a ballot paper given for the use of that voter.

(7) No person may publish before the close of the poll—

- (a) any statement relating to the way in which voters have voted in the poll where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted; or
- (b) any forecast or estimate as to the result of the election which is (or might reasonably be taken to be) based on information so given.

(8) If a person acts in contravention of this rule that person shall be liable on summary conviction to a fine not exceeding the amount specified as level 5 on the standard scale or to imprisonment for a term not exceeding three months.

(9) In this rule—

- (a) a voter with disabilities is a voter who has made a declaration under rule 35 that the voter is so incapacitated by blindness or other disability or by inability to read, as to be unable to vote without assistance;
- (b) “publish” means make available to the public at large (or any section of the public), in whatever form and by whatever means; and
- (c) the reference to the result of the election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election are concerned.

(10) The returning officer shall make such arrangements as are reasonably practicable to ensure that every person attending a polling station and every person attending at the counting of the votes has been given a copy of these provisions.

(11) But these arrangements shall not apply to—

- (a) a person attending the polling station for the purpose of voting;
- (b) a person under the age of 18 years of age accompanying a voter;
- (c) a person assisting a voter with disabilities to vote; or
- (d) a constable on duty at a polling station or at the count.



North Ayrshire Council

Comhairle Siorrachd Àir a Tuath

**Policy for Letting Vacant Council Property
for Election Purposes**

Introduction

This policy was approved by the North Ayrshire Council's former Corporate Policy Committee on 22 March 2005 and provides for the temporary use of vacant Council property by a political party during an Election. The policy applies to all types of election or referendum and applies to property to be let within North Ayrshire.

Application Procedure

Applications must be submitted in writing on the form provided for the purpose.

Applications may only be accepted if they are received after 12 noon on the day following the publication of the Notice of Election i.e. Monday 25 March 2024 for the Scottish Local Government By-election.

Application forms should be returned to Matt Strachan, Senior Manager Business Development (email applications are acceptable). These can be obtained from:

North Ayrshire Council
22 Quarry Rd
Irvine
KA12 0TH

APPLICATION FOR TEMPORARY LEASE OF NON-OPERATIONAL COUNCIL PROPERTY FOR ELECTION PURPOSES

I (please insert full name and address)

being the nominated election agent for and on behalf of

.....

(Please insert full name of candidate) who is standing for the Scottish Local Government By-election to return a Candidate to serve in Ward 6 - Kilwinning.

*Delete as appropriate

to be held on(Please insert Date of Election)

hereby apply for and offer to take on the lease of non-operational Council subjects at and known as

.....(Please insert full address of property)
from

the (Please insert date access/entry is required).

Please Note: All conditions as printed overleaf form an integral part of any contract to follow hereon.

Signature:

Date:

Time:

**FORM TO BE RETURNED TO THE SENIOR MANAGER BUSINESS DEVELOPMENT, NORTH
AYRSHIRE COUNCIL, 22 QUARRY ROAD, IRVINE KA12 0TH**

FOR OFFICIAL USE ONLY

APPLICATION	Date Application Received	.....
	Time Application Received	.....
	Decision on Application	Grant/Refuse (delete as Appropriate)
	Authorisation (Officers Signature)	.....
PAYMENT	Amount of Payment Due	.....
	Payment Received	.....
KEYS	Date and Time Keys Handed Out	.....
	Date and Time Keys Returned	.....
SERVICES	Electricity Meter Reading No (at Entry)	.....
	Electricity Meter Reading No (at Termination)	.....
	Gas Meter Reading No (at Entry)	.....
	Gas Meter Reading No (at Termination)	.....

Conditions of Let

1. Only subjects which are owned by the Council and would otherwise be vacant for the whole period of let shall be available for temporary lease for Election purposes. If the Council have previously entered into a lease with a third party in respect of the subjects or if they are subject to an existing lease then they shall not be available for Election purposes. Properties subject to repair or not in compliance with all statutory consents e.g. in benefit of an Energy Performance Certificate, will not be available.
2. Applications shall only be accepted if received after 12 noon on the date after the Election has been formally announced and by timeous completion of this form. (Email applications are acceptable).
3. Properties shall be allocated in accordance with the time/date applications are received by the Senior Manager Business Development, North Ayrshire Council.
4. Entry shall be mutually agreed.
5. The period of the lease shall be from the date in clause 4 above to the fifth day after the Election date given overleaf.
6. Rental shall be charged at a standard rate per week or any part thereof and shall be paid in advance and in full. The standard weekly rental charge for the property shall be £100 irrespective of size or location.
7. All operating and running costs of the subjects such as rates, electricity, and gas etc shall be the sole responsibility of the applicant. If any of these are not paid directly by the applicant then the Council shall be entitled to make a full recovery thereof from the applicant of any connection and supply costs which are levied against the Council by the supplier. The applicant shall satisfy himself as to the adequacy and condition of such services and shall be solely responsible for any connection charges. Where applicable rates shall be payable in advance and in full by the applicant.
8. The applicant shall be responsible for all costs associated with the provision and/or use of any telephone supply.
9. The applicant shall be solely responsible for obtaining any statutory consents which may be required. In particular the applicants attention is drawn to any requirement to make application for planning permission, building warrant or any statutory permissions, which must, if they are required, be obtained before the date of entry.
10. The applicant shall accept the subjects as they stand in their present condition, state of repair and decoration and shall upon termination of the temporary let, return them to the Council in the same condition. All debris and litter (including all posters affixed within or outwith the subjects of let) shall be removed by the applicant all to sight and satisfaction of the Council. Any costs which the Council may incur in regard to carrying out the aforementioned works shall be charged back to the applicant should they fail to comply with this condition.
11. Any insurance of whatever description deemed necessary by the applicant shall be effected by the applicant at their sole cost and, for the avoidance of doubt, the applicant shall if required by the Council arrange to effect insurance cover for the full reinstatement value of the building, in respect of perils normally incurred by a tenant of commercial premises, to the satisfaction of the Council and shall, on demand, produce the appropriate policy and premium receipt for inspection.
12. The tenant shall exhibit, prior to the date of entry, evidence of appropriate public liability insurance cover in respect of their occupation of the subject let for the duration of the let, all to the satisfaction of the Council.
13. The tenant agrees to indemnify the Council and to free and relieve the Council of all claims arising from the occupation and use of the property.



North Ayrshire Council

Comhairle Siorrachd Àir a Tuath

List of Rooms in Halls & Centres available To Candidates for Election Meetings

The attached list has been prepared by the Education Authority in pursuance of paragraph 2 (1) of Schedule 5 of the Representation of the People Act 1983. It lists the rooms in Halls and Centres which will be available to Candidates for Election Meetings.

The attention of candidates and agents is drawn to the provisions of Sections 95 to 98 of the Representation of the People Act 1983, and to the said Schedule, with regard to the use for election meetings of rooms in Halls and Community Centres.

Any queries in relation to the attached lists or to book any venues marked **CR** should be directed to:

Communities and Education Directorate
Connected Communities
Community Resources
Volunteer Rooms, High Street, Irvine, KA12 0AB

Booking Line: 01294 324473 – phonelines open Monday, Wednesday & Thursday please email outwith these times:

communityresources@north-ayrshire.gov.uk

To make bookings for venues marked **C** you would contact direct by telephone the numbers listed:

Updated by: Community Resources 28/02/2024

Halls and Centres Available to Let

C - Bookings taken by local Community Association, CR - Bookings taken by Community Resources

<u>Venue/Area</u>	<u>Address</u>	<u>Booking Number</u>	<u>Areas for let</u>
<u>Kilwinning Area</u>			
Cranberry Moss Community Centre - C	Cambusdoon Place, Kilwinning, KA13 6SL	01294 557146	Main Hall, Meeting Room, Library, Green Room, Blue Room
Nethermains Community Centre - C	Nethermains Road, Kilwinning, KA13 6ES	01294 553816	Games Hall, Lounge 1 + 2, Main Hall
Whitehirst Park Community Centre - C	West Doura Court, Kilwinning, KA13 6NR	01294 558470	Main Hall, Kitchen/Meeting Room
Woodwynd Hall – C	50 David Gage Street, Kilwinning, KA13 7EF	01294 557706	Main Hall, Lounge, Committee Room

**Application by a Candidate or Election Agent
for a copy of the Electoral Register and/or Absent Voters List for the
Scottish Local Government By-election to be held on Thursday 9 May 2024**

Electoral Register

I request a copy of the Electoral Register as at last date for notice of election.

The Register will be supplied by Email

Please state format required: PDF Excel

Further supplements to the Register may be supplied in the same format.
Please tick this box if supplements are required.

Absent Voters List

I request a copy of the Absent Voters List.

The Absent Voters List will be supplied by Email

Please state format required: PDF Excel

Ward/Constituency Contested:

Name of Candidate:

For security reasons, all information supplied in data format will be password protected.

Please note the following restrictions on the use of Registers provided:

**You may not supply a copy of the Electoral Register to any person, disclose any information contained in it that is not included in the Open Register or make use of any such information other than for electoral purposes.
Once the purpose for which the Register has been supplied has expired, you must securely destroy the Register.**

I am aware of the restrictions on the use of the Register of Electors as detailed in the Representation of the People (Scotland) (Amendment) Regulations 2002.

Name: (block capitals)

Candidate Election Agent

Postal Address:

Telephone Number:

Email Address:

Signature:

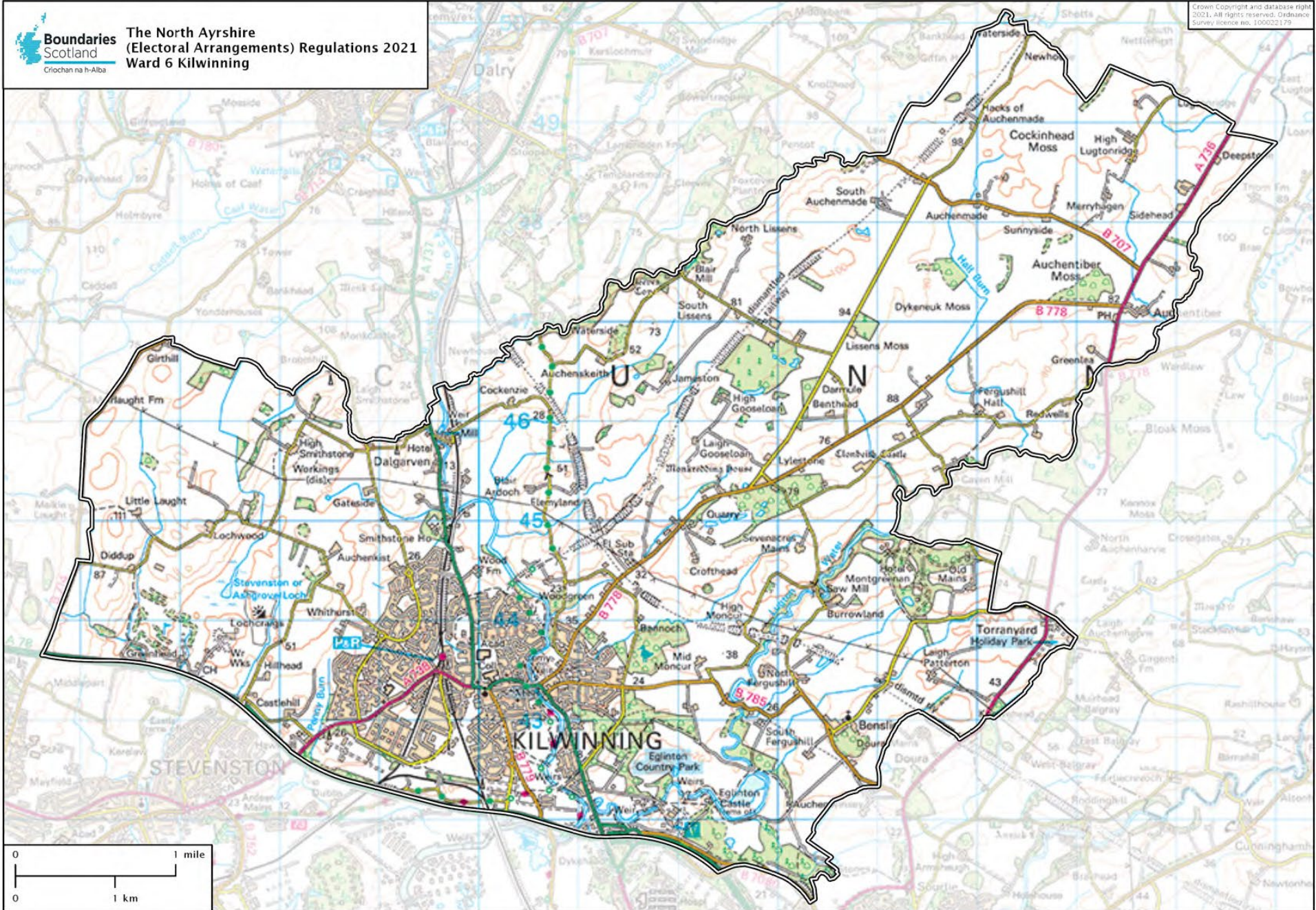
Date:

Scottish Local Government By-election - Thursday 9 May 2024

Ward 6 - Kilwinning

Election Timetable

Event	Date
Publication of notice of Election	Friday 22 March 2024
Delivery of nomination papers	Monday 25 March 2024 to Friday 5 April 2024 between 10am and 4pm (Closed for public holiday on Friday 29 March 2024 and Monday 1 April 2024)
Deadline for withdrawals of nomination	4pm on Friday 5 April 2024
Deadline for the notification of appointment of election agents	4pm on Friday 5 April 2024
Publication of notice of poll, including situation of polling stations	As soon as practicable after 4pm on Friday 5 April 2024
Dispatch of poll cards to electors	Monday 8 April 2024
Deadline for receiving applications for registration	Monday 22 April 2024
Second dispatch of Poll Cards	As soon as practicable after last date to apply to register to vote
Deadline for receiving new postal vote and postal proxy applications, and for changes to existing postal or proxy votes	5pm on Tuesday 23 April 2024
Dispatch of postal ballot packs	Friday 26 April 2024 (as soon as practicable after last date to apply for a postal vote)
Deadline for new applications to vote by proxy (not postal proxy or emergency proxies)	5pm on Tuesday 30 April 2024
Deadline for notification of appointment of polling and counting agents	Wednesday 1 May 2024
POLLING DAY	7am to 10pm on Thursday 9 May 2024
Last time that electors can apply for a replacement for a lost and spoilt postal vote	10pm on Thursday 9 May 2024
Deadline for emergency proxy applications	5pm on Thursday 9 May 2024
Last time to alter the register due to clerical error or court appeal	9pm on Thursday 9 May 2024
Verification and count	Friday 10 May 2024 at 9am
Latest date for candidates to submit their return and agent declaration	Friday 14 June 2024



Being a local councillor

Being a councillor involves a huge variety of work, some of which can be challenging, but is almost always hugely rewarding as you can make a real difference to individuals lives and to the area you represent.

If you are considering standing for election, the Improvement Service has a dedicated website that will help you understand the many different aspects of a councillor's role, provide you with information to help you decide if being a councillor is for you and ensure you are well prepared should you be elected.

The website covers four main sections:

- What do Councillors do?
- What's expected of a Councillor?
- How do I become a Councillor?
- Resources

The website can be accessed at <https://www.localcouncillor.scot/>

Code of Conduct for Councillors

December 2021

CODE OF CONDUCT FOR COUNCILLORS

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SECTION 1: INTRODUCTION TO THE CODE OF CONDUCT

1.1 This Code has been issued by the Scottish Ministers, with the approval of the Scottish Parliament, as required by the Ethical Standards in Public Life etc.(Scotland) Act 2000 (the “Act”).

1.2 The purpose of the Code is to set out the conduct expected of every elected member of a local authority in Scotland.

1.3 The Code is also directed at co-opted members of committees and sub-committees who are not elected councillors, including religious representatives on Education Committees.

1.4 The Code has been developed in line with the nine key principles of public life in Scotland. The principles are listed in Section 2 and set out how the provisions of the Code should be interpreted and applied in practice.

My Responsibilities

1.5 I understand that the public has a high expectation of councillors and the way in which they should conduct themselves in undertaking their duties. I will always seek to meet those expectations by ensuring that I conduct myself in accordance with the Code.

1.6 I will comply with the substantive provisions of this Code, being sections 3 to 7 inclusive and Annex A, in all situations and at all times where I am acting as a councillor, have referred to myself as a councillor or could objectively be considered to be acting as a councillor.

1.7 I will comply with the substantive provisions of this Code, being sections 3 to 7 inclusive and Annex A, in all my dealings with the public, employees and fellow councillors, whether formal or informal.

1.8 I understand that it is my personal responsibility to be familiar with the provisions of the Code and that I must also comply with the law and my council’s rules, standing orders and regulations. I will also ensure that I am familiar with any guidance or advice notes issued by the Standards Commission for Scotland (“Standards Commission”) and my council, and endeavour to take part in any training offered on the Code.

1.9 I will not, at any time, advocate or encourage any action contrary to the Code.

1.10 I understand that no written information, whether in the Code itself or the associated Guidance or Advice Notes issued by the Standards Commission, can provide for all circumstances. If I am uncertain about how the Code applies, I will seek advice from my council’s Monitoring Officer or other senior council employees. I note that I may also choose to seek external legal advice on how to interpret the provisions of the Code.

Enforcement

1.11 Part 2 of the Act sets out the provisions for dealing with alleged breaches of the Code, including the sanctions that can be applied if the Standards Commission finds that there has been a breach of the Code. More information on how complaints are dealt with and the sanctions available can be found at Annex C.

SECTION 2: KEY PRINCIPLES OF THE CODE OF CONDUCT

2.1 The Code has been based on the following key principles of public life. I will behave in accordance with these principles and understand that they should be used for guidance and interpreting the provisions in the Code.

2.2 I note that a breach of one or more of the key principles does not in itself amount to a breach of the Code. I note that, for a breach of the Code to be found, there must also be a contravention of one or more of the provisions in sections 3 to 7 inclusive and Annex A of the Code.

The key principles are:

Duty

I have a duty to uphold the law and act in accordance with the law and the public trust placed in me. I have a duty to act in the interests of my council as a whole and all the communities served by it and a duty to be accessible to all the people of the area for which I have been elected to serve, and to represent their interests conscientiously.

Selflessness

I have a duty to take decisions solely in terms of the public interest. I must not act in order to gain financial or other material benefit for myself, family or friends.

Integrity

I must not place myself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence me in the performance of my duties.

Objectivity

I must make decisions solely on merit when carrying out public business including making appointments, awarding contracts or recommending individuals for rewards and benefits.

Accountability and Stewardship

I am accountable to the public for my decisions and actions. I have a duty to consider issues on their merits, taking account of the views of others, and I must ensure that my council uses its resources prudently and in accordance with the law.

Openness

I have a duty to be as open as possible about my decisions and actions, giving reasons for my decisions and restricting information only when the wider public interest clearly demands.

Honesty

I have a duty to act honestly. I must declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

I have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of my council and its councillors in conducting public business.

Respect

I must respect all other councillors and all council employees and the role they play, treating them with courtesy at all times. Similarly, I must respect members of the public when performing my duties as a councillor.

SECTION 3: GENERAL CONDUCT

Respect and Courtesy

3.1 I will treat everyone with courtesy and respect. This includes in person, in writing, at meetings, when I am online and when I am using social media.

3.2 I will not discriminate unlawfully on the basis of race, age, sex, sexual orientation, gender reassignment, disability, religion or belief, marital status or pregnancy/maternity; I will advance equality of opportunity and seek to foster good relations between different people.

3.3 I will not engage in any conduct that could amount to bullying or harassment (which includes sexual harassment). I accept that such conduct is completely unacceptable and will be considered to be a breach of this Code.

3.4 I accept that disrespect, bullying and harassment can be:

- a) a one-off incident,
- b) part of a cumulative course of conduct; or
- c) a pattern of behaviour.

3.5 I understand that how, and in what context, I exhibit certain behaviours can be as important as what I communicate, given that disrespect, bullying and harassment can be physical, verbal and non-verbal conduct.

3.6 I accept that it is my responsibility to understand what constitutes bullying and harassment and I will utilise resources, including the Standards Commission's guidance and advice notes, council policies and training material (where appropriate) to ensure that my knowledge and understanding is up to date.

3.7 I will not become involved in operational management of my council's services as I acknowledge and understand that is the responsibility of its employees.

3.8 I will not undermine any individual employee or group of employees, or raise concerns about their performance, conduct or capability in public.

3.9 I will not take, or seek to take, unfair advantage of my position in my dealings with employees or bring any undue influence to bear on employees to take a certain action. I will not ask or direct employees to do something which I know, or should reasonably know, could compromise them or prevent them from undertaking their duties properly and appropriately.

3.10 I will follow the Protocol for Relations between Councillors and Employees at [Annex A](#) and note that a breach of the Protocol will be

considered a breach of this Code. I will also comply with any internal protocol the Council has on councillor / employee relations.

3.11 I will respect and comply with rulings from the chair or convener during meetings of:

- a) the Council, its committees or sub-committees; and
- b) any outside organisations that I have been appointed or nominated to by the Council or that I represent my council on.

Remuneration, Allowances and Expenses

3.12 I will comply with the rules, and my council's policies, on the payment of remuneration, allowances and expenses.

Gifts and Hospitality

3.13 I understand that I may be offered gifts (including money raised via crowdfunding or sponsorship), hospitality, material benefits or services ("gift or hospitality") that may be reasonably regarded by a member of the public with knowledge of the relevant facts as placing me under an improper obligation or being capable of influencing my judgement.

3.14 I will never **ask for** or **seek** any gift or hospitality.

3.15 I will refuse any gift or hospitality, unless it is:

- a) a minor item or token of modest intrinsic value offered on an infrequent basis;
- b) a civic gift being offered to the Council;
- c) hospitality which would reasonably be associated with my duties as a councillor or as a member of an arm's length external organisation to which I have been appointed or nominated by my council ("ALEO"); or
- d) hospitality which has been approved in advance by my council or the ALEO.

3.16 I will consider whether there could be a reasonable perception that any gift or hospitality received by a person or body connected to me could or would influence my judgement.

3.17 I will not allow the promise of money or other financial advantage to induce me to act improperly in my role as a councillor. I accept that the money or advantage (including any gift or hospitality) does not have to be given to me directly. The offer of monies or advantages to others, including community groups, may amount to bribery, if the intention is to induce me to improperly perform a function.

3.18 I will never accept any gift or hospitality from any individual or applicant who is awaiting a decision from, or seeking to do business with, my council.

3.19 If I consider that declining an offer of a gift would cause offence, I will accept it and hand it over to the Council at the earliest possible opportunity and ask for it to be registered.

3.20 I will promptly advise my council's Monitoring Officer if I am offered (but refuse) any gift or hospitality of any significant value and / or if I am offered any gift or hospitality from the same source on a repeated basis, so that my council can monitor this.

Confidentiality

3.21 I will not disclose confidential information or information which should reasonably be regarded as being of a confidential or private nature, without the express consent of a person or body authorised to give such consent, or unless required to do so by law. I note that if I cannot obtain such express consent, I will assume it is not given.

3.22 I accept that confidential information can include discussions, documents, information which is not yet public or never intended to be public, and information deemed confidential by statute.

3.23 I will only use confidential information to undertake my duties as a councillor. I will not use it in any way for personal or party-political advantage or to discredit my council (even if my personal view is that the information should be publicly available).

Use of Council Resources

3.24 I will only use council resources, including employee assistance, facilities, stationery and IT equipment, for carrying out council duties in accordance with all my council's relevant policies.

3.25 I will not use, or in any way enable others to use, council resources:

- a) imprudently (without thinking about the implications or consequences);
- b) unlawfully;
- c) for any party political or campaigning activities or matters relating to these;
or
- d) improperly.

Dealings with my council and Preferential Treatment

3.26 I will not use, or attempt to use, my position or influence as a councillor to:

- a) improperly confer on or secure for myself, or others, an advantage;
- b) avoid a disadvantage for myself, or create a disadvantage for others; or
- c) improperly seek preferential treatment or access for myself or others.

3.27 I will avoid any action which could lead members of the public to believe that preferential treatment or access is being sought.

3.28 I will advise employees of any connection, as defined at Section 5, I may have to a matter, when seeking information or advice or responding to a request for information or advice from them.

3.29 I will not participate in certain decisions concerning Council Tax if I am in arrears of two months or more in respect of the payment of Council Tax.

Appointments to Outside Organisations

3.30 If I am appointed or nominated by the Council as a member of another body or organisation, I will abide by the rules of conduct and will act in the best interests of that body or organisation while acting as a member of it. I will also continue to observe the rules of this Code when carrying out the duties of that body or organisation.

3.31 I accept that if I am a director or trustee (or equivalent) of a company or a charity, as a nominee of my Council, I will be responsible for identifying, and taking advice on, any conflicts of interest that may arise between the company or charity and my council.

SECTION 4: REGISTRATION OF INTERESTS

4.1 The following paragraphs set out what I have to register, when I am elected and whenever my circumstances change. The register will cover the period commencing from 12 months prior to, and including, my current term of office.

4.2 I understand that regulations made by the Scottish Ministers describe the detail and timescale for registering interests, including a requirement that a councillor must register their registrable interests within one month of becoming a councillor, and register any changes to those interests within one month of those changes having occurred.

4.3 The interests which I am required to register are those set out in the following paragraphs. Other than as required by paragraph [4.23](#), I understand it is not necessary to register the interests of my spouse or cohabitee.

Category One: Remuneration

4.4 I will register any work for which I receive, or expect to receive, payment or reward. I have a registrable interest where I receive remuneration by virtue of being:

- a) employed;
- b) self-employed;
- c) the holder of an office;
- d) a director of an undertaking;
- e) a partner in a firm;
- f) appointed or nominated by my council to another body; or
- g) engaged in a trade, profession or vocation, or any other work.

4.5 I do not have to register any sums I receive in expenses, allowances or remuneration from my council for work I undertake in my capacity as a councillor.

4.6 I understand that if a position is not remunerated it does not need to be registered under this category. However, unremunerated directorships may need to be registered under Category Two "Other Roles".

4.7 I must register any allowances I receive in relation to membership of any organisation under Category One.

4.8 When registering employment as an employee, I must give the full name of my employer, the nature of its business and the nature of the post I hold in the organisation.

4.9 When registering remuneration from the categories listed in paragraph [4.4 \(b\) to \(g\)](#) above, I must provide the full name and give details of the nature of the business, organisation, undertaking, partnership or other body, as appropriate.

4.10 Where I otherwise undertake a trade, profession or vocation, or any other work, I must include information about the nature of the work and how often it is undertaken.

4.11 When registering a directorship, I must provide the registered name and registered number of the undertaking in which the directorship is held and provide information about the nature of its business.

4.12 I understand that registration of a pension is not required as this falls outside the scope of the category.

Category Two: Other Roles

4.13 I will register any unremunerated directorships where the body in question is a subsidiary or parent company of an undertaking in which I hold a remunerated directorship.

4.14 I will register the registered name and registered number of the subsidiary or parent company or other undertaking and the nature of its business, and its relationship to the company or other undertaking in which I am a director and for which I receive remuneration.

Category Three: Contracts

4.15 I have a registrable interest where I (or a firm in which I am a partner, or an undertaking in which I am a director or in which I have shares of a value as described in paragraph [4.20](#) below) have made a contract with my council:

- a) under which goods or services are to be provided, or works are to be executed; and
- b) which has not been fully discharged.

4.16 I will register a description of the contract, including its duration, but excluding the value.

Category Four: Election Expenses

4.17 I will register any single donation of more than £50, or any donations from the same source that together amount to more than £50, towards election expenses received by me, or on my behalf within the period commencing from 12 months prior to, and including, my current term of office.

Category Five: Houses, Land and Buildings

4.18 I have a registrable interest where I own or have any other right or interest in houses, land and buildings in Scotland, such as being an owner or a tenant, including a council tenant.

4.19 I understand I am only required to provide details of the council ward in which the property is located for the publicly available Register of Interests. I will, however,

provide the full address of the property to my council's Monitoring Officer (or their nominee), but understand this will be kept confidential.

Category Six: Interest in Shares and Securities

4.20 I have a registrable interest where:

- a) I own or have an interest in more than 1% of the issued share capital of the company or body; or
- b) Where, at the relevant date, the market value of any shares and securities (in any one specific company or body) that I own or have an interest in is greater than £25,000.

Category Seven: Gifts and Hospitality

4.21 I understand the requirements of paragraphs 3.13 to 3.20 regarding gifts and hospitality. As I will not accept any gifts or hospitality, other than under the limited circumstances allowed, I understand there is no longer the need to register any.

Category Eight: Non-Financial Interests

4.22 I may also have other interests and I understand it is equally important that relevant interests such as membership or holding office in public bodies, companies, clubs, societies and organisations such as trades unions and voluntary organisations, are registered and described. In this context, I understand non-financial interests are those which members of the public with knowledge of the relevant facts might reasonably think could influence my actions, speeches, votes or decision-making in my council (this includes its Committees and memberships of other organisations to which I have been appointed or nominated by my council).

Category Nine: Close Family Members

4.23 I will register the interests of any close family member who has transactions with my Council or is likely to have transactions or do business with it.

SECTION 5: DECLARATION OF INTERESTS

Stage 1: Connection

5.1 For each particular matter I am involved in as a councillor, I will first consider whether I have a connection to that matter.

5.2 I understand that a connection is any link between the matter being considered and me, or a person or body I am associated with. This could be a family relationship or a social or professional contact.

5.3 A connection includes anything that I have registered as an interest.

5.4 A connection does not include:

- a) being a Council Tax or rate payer or a council house tenant or in general when services delivered to members of the public are being considered, including the setting of budgets, taxes and rates and fixing of council house rents;
- b) being a councillor when councillors' remuneration, allowances, expenses, support services or pensions are being considered; or
- c) being a member of an outside body to which I have been appointed or nominated by my council as a councillor representative unless:
 - (1) the matter being considered by my council is quasi-judicial or regulatory; or
 - (2) I have a personal conflict by reason of my actions, my connections or my legal obligations.

Stage 2: Interest

5.5 I understand my connection is an interest that requires to be declared where the objective test is met – that is where a member of the public with knowledge of the relevant facts would reasonably regard my connection to a particular matter as being so significant that it would be considered as being likely to influence the discussion or decision-making.

Stage 3: Participation

5.6 I will declare my interest as early as possible in meetings. I will not remain in the meeting nor participate in any way in those parts of meetings where I have declared an interest.

5.7 I will consider whether it is appropriate for transparency reasons to state publicly where I have a connection, which I do not consider amounts to an interest.

5.8 I note that I can apply to the Standards Commission and ask it to grant a dispensation to allow me to take part in the discussion and decision-making on a matter where I would otherwise have to declare an interest and withdraw (as a result of having a connection to the matter that would fall within the objective test). I note that such an application must be made in advance of any meetings where the

dispensation is sought and that I cannot take part in any discussion or decision-making on the matter in question unless, and until, the application is granted.

SECTION 6: LOBBYING AND ACCESS

6.1 I understand that a wide range of people will seek access to me as a councillor and will try to lobby me, including individuals, organisations, companies and developers. I must distinguish between:

- a) my representative role in dealing with constituent enquiries;
- b) any community engagement where I am working with individuals and organisations to encourage their participation and involvement; and
- c) lobbying, which is where I am approached by any individual or organisation who is seeking to influence me for financial gain or advantage, particularly those who are seeking to do business with my council (for example contracts/procurement) or who are applying for a consent from my council.

Constituent enquiries

6.2 I will comply with data protection legislation, which includes keeping the personal information of any constituent secure and only, in general, using it for the purpose of assisting with the enquiry. I will seek the constituent's consent in advance if I am in a multi-member ward and feel it is more appropriate for another councillor to handle the enquiry. I note that there may be circumstances in which it is best not to respond to a constituent, and that I am not obliged by the Code to respond to every contact.

Community engagement

6.3 I will undertake such work in an open and transparent manner. I will not express an opinion on a quasi-judicial or regulatory application that I might later be asked to determine. I accept that if I do express such an opinion, I will have to declare an interest and will not be able to take part in the decision-making.

Lobbying

6.4 In deciding whether, and if so how, to respond to such lobbying, I will always have regard to the objective test, which is whether a member of the public, with knowledge of the relevant facts, would reasonably regard my conduct as being likely to influence my, or my council's, decisions.

Lobbying in Quasi-judicial or Regulatory Matters

6.5 If I am approached directly by an individual or organisation who is seeking to do business with my council or who is involved in a quasi-judicial or regulatory matter (such as an applicant or an objector),

I WILL:

- a) have regard to Section 7 of this Code;
- b) advise that individual or organisation that I cannot formulate an opinion or support their position if I am going to take part in the decision-making on the matter; and
- c) direct any representations I receive to the appropriate council employee or department.

I WILL NOT:

- d) lobby or otherwise exert pressure or influence on employees, other councillors, or members of a quasi-judicial or regulatory committee, to recommend or make a specific decision in respect of a quasi-judicial or regulatory matter. I understand that I am entitled to seek information from employees but that I must not lobby them, to either make or recommend a particular decision.
- e) use political group meetings to decide how I and other councillors should vote on such matters or on individual staffing issues, such as the appointment or discipline of an employee.
- f) comply with political group decisions on such matters if these differ from my own views.

Introduction

7.1 I need to be especially vigilant when I am making a decision on a quasi-judicial or regulatory application. For these applications, I need to ensure there is a proper and fair hearing of the application and I must avoid any impression of bias in the whole decision-making process.

7.2 I will deal with many types of quasi-judicial or regulatory applications. Depending on the type of application that is made, there will be often be a formal, statutory decision-making process for its consideration and outcome. There may also be formal legal routes to challenge decisions made on these applications and for this reason I must be aware that my own personal responsibility to ensure a proper and fair hearing has wider consequences for my council's reputation and financial liabilities in the event of any challenge.

7.3 Quasi-judicial or regulatory decisions typically involve:

- a) Planning or other applications in terms of planning legislation;
- b) Applications for alcohol licensing matters;
- c) Applications for betting and gaming premises;
- d) Applications for taxi licences and all other forms of civic licensing;
- e) Actions where my council is involved in any form of statutory enforcement procedure;
- f) Any actions where my council is an employer and is involved in any disciplinary issues that I may have a remit to deal with;
- g) Any procedures for statutory approval or consent involving my council and where I have a remit to deal with the matter;
- h) Any appeal procedure where my council has a role and where I am expected to adjudicate on applications, for example an Education Appeals Committee for school placements or school exclusions.

The above list is provided to me only for guidance and is not exhaustive. If I have any doubt as to whether or not my involvement involves a quasi-judicial or regulatory matter I will seek the advice of my council's Monitoring Officer.

Quasi-Judicial and Regulatory Matters

7.4 In dealing with these applications,

I WILL:

- a) throughout my involvement with the entire application process act fairly and be seen to act fairly;
- b) declare interests where required in terms of Section 5 of this Code and leave the meeting until the matter has been determined;
- c) deal fairly and impartially with all parties involved in the application;

- d) tell those who may be seeking to influence me out with the proper decision-making process that I will not formulate an opinion on any particular application until all information is available to all decision-makers and has been duly considered at the relevant meeting;
- e) take into account professional advice given to me by council employees; and
- f) seek advice from the relevant council employee if I am in doubt as to any material or relevant considerations.

7.5 In dealing with such applications,

I WILL NOT:

- a) pre-judge or demonstrate bias or be seen to pre-judge or demonstrate bias;
- b) indicate or imply support for or opposition to an application nor indicate my voting intention prior to the appropriate meeting where the application will be considered;
- c) in advance of the decision-making meeting, attempt to influence employees to adopt a particular position as that would imply that I am prejudiced in my decision-making;
- d) lobby other councillors who may be dealing with the application;
- e) express any view on the application before the appropriate meeting where the application will be considered. If I do so I will not participate in any aspect of the decision-making nor vote on the application;
- f) formulate my conclusions on an application until all available information is to hand and has been duly considered by me at the meeting where the application will be considered;
- g) express any indicative or provisional views in the course of my involvement in any aspect of the application; or
- h) otherwise act improperly or do anything which could reasonably create a perception that I have acted improperly.

Policy and Strategy

7.6 My role in policy and strategic issues may have a very wide relevance to my council area. For example, I have a key role in establishing policies for the benefit of my council's area and I am fully entitled to express my genuinely held views or to advocate proposals for the adoption of key guidance. It is entirely appropriate that I can express my views on matters of such general importance to my council area.

7.7 When I am being asked to develop a policy and set a strategy that forms the framework under which individual applications may subsequently be decided, I understand that I can discuss or debate these items of policy or strategy. However, I will only take into account material considerations affecting the policy or strategic issue and will have regard to the requirement for the adoption of the policy or strategy to be based on facts and evidence.

7.8 For policy and strategic issues under which individual applications may subsequently be decided,

I WILL:

- a) be able to express my views;
- b) be able to advocate proposals that I consider to be of benefit to my council area;
- c) have regard to the evidence-base behind the formulation of the policy or strategy in question.

I WILL NOT:

- d) do anything or be motivated to do anything that is connected or linked in any way with my personal involvement in a policy or strategic issue;
- e) express any view that suggests I have a closed mind on the policy or strategic issue regardless of any material considerations affecting that issue.

Representation

7.9 If I intend to be involved in the decision-making for any quasi-judicial or regulatory application,

I WILL NOT:

- a) organise support for or opposition to the application in any way;
- b) represent or appear to represent individuals or groups who are seeking to make representations for or against an application; or
- c) compromise myself or my Council by creating a perception of a conflict of interest.

7.10 In circumstances where I am a member of a Committee as a decision-maker but have been involved in organising support for or opposition to an application,

I WILL:

- a) declare an interest in the matter, and
- b) withdraw from the meeting without participating in the consideration of the matter.

7.11 In circumstances where I am a member of a Committee as a decision-maker but wish to represent individuals or groups who are seeking to make representations for or against an application,

I WILL:

- a) follow procedures agreed by my council which afford equal opportunity to any parties wishing to make representations to do so;

- b) declare an interest in the matter; and
- c) only remain in the meeting, while that item is being discussed, for the purposes of acting as the representative of the individual or group throughout the duration of their participation.

I WILL NOT:

- d) participate or attempt to participate as a decision-maker in that application;
- e) attempt to influence employees to adopt any particular position relative to the matter; or
- f) lobby other councillors who may be involved in the decision-making process.

7.12 In circumstances where I am **not** a member of any Committee which is making a decision on an application, but wish to represent individuals or groups who are seeking to make representations for or against it,

I WILL:

- a) follow procedures agreed by my council which afford equal opportunity to any parties wishing to make representations to do so; and
- b) only remain in the meeting for that item for the purposes of acting as the representative of the individual or group throughout the duration of their participation.

I WILL NOT:

- c) participate or attempt to participate as a decision-maker in that application;
- d) attempt to influence employees to adopt any particular position relative to the matter; or
- e) lobby other councillors who may be involved in the decision-making process.

Site Visits

7.13 In respect of any site visits that have been decided upon or agreed by the Committee as a stage in the consideration of the application,

I WILL:

- a) follow my council's procedures for such visits as set out by my council and that with regard to any legislative requirements or notes of guidance or practice;
- b) remember that such site visits are part of the decision-making process and as such are formal in nature and may have procedures as set out by my council.

Enforcement

7.14 In my role, I may become aware whether by complaint or by direct knowledge of the need for council intervention by way of appropriate enforcement action. In this event, I will refer the matter for investigation to the appropriate service of my council.

I WILL ALSO:

- a) advise all subsequent enquirers to deal directly with the relevant employee of the Council department;
- b) be able to request factual information about the progress of the matter from the relevant employee.

I WILL NOT:

- c) lobby for a particular outcome;
- d) get involved in the operational detail of any enforcement actions which are subsequently taken by my council.

ANNEX A

PROTOCOL FOR RELATIONS BETWEEN COUNCILLORS AND EMPLOYEES

Definitions

The reference to 'employees' below covers all employees and officers of councils and all officers and employees of any other body or organisation to which a councillor is appointed or nominated by the Council.

The reference to 'Convener' below covers all committee chairs and portfolio leads.

The reference to 'chief officers' covers all Chief Executives, Directors and Heads of Service.

The reference to 'committee' also covers all forms of executive and scrutiny operating models.

Principles

1. This protocol outlines the way in which councillors and employees should behave towards one another. It should be noted that while some scenarios are included, these are not exhaustive. The protocol should be treated, therefore, as applying in all situations where there is interaction between councillors and employees.
2. Councillors and employees should work in an atmosphere of mutual trust and respect, with neither party seeking to take unfair advantage of their position or influence.

Roles

3. Councillors are required to provide strategic leadership and oversight. This involves setting strategy and policy, scrutinising and making major, complex decisions that concern the Council as a whole. Councillors are not, however, responsible for operational management (being the planning, organising and execution involved in day to day activities) as this is the role of employees. Chief Executives and senior employees have ultimate responsibility to ensure that the Council meets its responsibilities.
4. Legally, employees are employed by the Council / other body and are accountable to it as an entity. Employees are responsible for serving the Council / other body as a whole, and not any particular political group, combination of groups or individual councillor. It is nevertheless appropriate for employees to be called upon to assist any political group in its deliberations or to help individual councillors fulfil their different roles (see the section on political groups below).

Office bearers

5. For the Council to perform effectively, it is important that there is a close professional working relationship between a committee convener and the director

and other senior employees of any service reporting to that committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question an employee's ability to deal with other councillors impartially, or the ability of a convener to deal with other employees impartially.

6. Conveners will have many dealings with employees. While employees should always seek to assist committee chairs, they are ultimately responsible to the relevant chief officer and not to any convener.
7. Conveners will often be consulted on the preparation of agendas and reports. Employees will always be fully responsible, however, for the contents of any report submitted in their name and will always have the right to submit reports to councillors on their areas of professional competence. The Convener does not have a right to veto this course of action.
8. Conveners are recognised as the legitimate elected spokesperson on their committee's area of responsibility. Where authority is delegated to employees, they may choose to consult the relevant convener about any action they propose to take. The employee nevertheless retains responsibility for the final decision (as long as the delegated authority remains in place).

Political groups

9. Most councils operate through a system of groups of councillors, many of them based on political affiliation. All employees must treat all political groups and individual councillors in a fair and even-handed manner and must maintain political neutrality at all times.
10. Employees can provide political groups with support (such as discussing matters with the convener and vice-convener before a committee meeting or presenting information to a group meeting). While, in practice, such support is likely to be most in demand from whichever political group is in control of the Council, it nevertheless should be available to all political groups. The advice given by employees to different party or political groups should be consistent.
11. Councillors and employees must act in accordance with the council's rules about the access and support to be provided to political groups (for example, that all requests must be approved by the Chief Executive).
12. Employee support for political groups must not extend beyond providing information and advice in relation to matters of council business. Employees should not be asked, or be expected, to be present at meetings or parts of meetings when matters concerning party business are being discussed. It is the responsibility of the convener of the political group meeting to ensure that all attending are clear on the status of the meeting and the basis on which any employees are present.
13. Councillors and employees must note that while political group meetings may form part of the preliminaries to council decision-making, political groups are not

empowered to make decisions on behalf of the Council. Conclusions reached at such meetings are not council decisions and it is essential that they are not interpreted or treated as such.

14. Employees can provide information and advice in relation to matters of council business to political groups. Employees are nevertheless responsible for ensuring that all necessary information and advice is still provided to the relevant committee or sub-committee when the matter in question is considered.
15. Political groups must recognise that information and advice given by employees should be used to enhance discussion and debate at council and committee meetings. Such information or advice should not be used for political advantage (for example by issuing media briefings before a decision is made), as doing so could devalue the decision-making process and can place employees in a difficult position.
16. Employees should take special care when providing information and advice to a meeting of a political group where other individuals who are not elected members of the Council are in attendance, as such individuals will not be bound by the Councillors' Code (and, in particular, the provisions concerning the declaration of interests and confidentiality).
17. Employees must treat any discussions with a political group or individual councillor as being strictly confidential.
18. Any difficulties or uncertainty about the extent of advice and information that can be provided to political groups should be raised with the Chief Executive (who should then discuss the matter with the group leader).

Councillors as local representatives

19. Councillors should ensure they act in accordance with the provisions of the Councillors' Code and this protocol when performing such a role. Elected members must recognise that, when performing their local representative role, they are representing the Council. Employees must treat all councillors fairly and openly in their role as local representatives.

Communications

- 20 Employees should not normally copy any communications they have with an individual councillor to any other councillor, unless they have been clear in advance that they intend to do so (or this has been agreed).

Human resource issues

21. Where councillors are involved in the appointments of employees they must act fairly and openly, and make decisions solely on merit.

22. Councillors should not become involved in issues relating to any individual employee's pay or terms and conditions of appointment, except while serving on a committee tasked with dealing with such matters.

Social relationships

23. The relationship between councillors and employees depends upon trust, which will be enhanced by the development of positive and professional relationships. While councillors and employees may often find themselves in the same social situations, they should take care to avoid close personal familiarity as this can damage the relationship of mutual respect and the belief that employees can undertake their role in an impartial and objective manner. Councillors and employees should, therefore, be cautious in developing close personal friendships while they have an official relationship.

Public comment

24. Councillors and employees both have a responsibility to project a positive image of the Council and should avoid making any public comments that could bring it into disrepute.
25. Councillors should not raise any adverse matters relating to the performance, conduct or capability of employees in public. Employees must ensure they treat councillors with similar respect and courtesy.

Employees supporting councillors

26. Where councils arrange for employees to provide direct administrative or practical support for individual councillors to help them undertake their duties, particular considerations will apply. While councillors may ask employees to provide such support in a particular way, they must nevertheless remember that the employee is accountable to their line manager. Any issues about conflicting priorities, conduct or performance must be referred to the line manager.

ANNEX B

DEFINITIONS

“**ALEO**” means an arm's-length external organisation (ALEO), that is formally separate from the Council but is subject to the Council's control or influence. ALEOs can take many forms including companies, community enterprises, charitable organisations and trusts.

“**Bullying**” is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined, humiliated or insulted.

“**Chair**” includes Committee Conveners or any other individual discharging a similar function to that of a Chair or Convener under alternative decision-making structures.

“**Cohabitee**” includes any person who is living with you in a relationship similar to that of a partner, civil partner, or spouse.

“**Committee**” includes all forms of executive and scrutiny operating models.

“**Confidential Information**” includes:

- any information passed on to the Council by a Government department (even if it is not clearly marked as confidential) which does not allow the disclosure of that information to the public;
- information of which the law prohibits disclosure (under statute or by the order of a Court);
- any legal advice provided to the Council; or
- any other information which would reasonably be considered a breach of confidence should it be made public.

“**Election expenses**” means expenses incurred, whether before, during or after the election, on account of, or in respect of, the conduct or management of the election.

“**Employee**” includes individuals employed:

- directly by the Council;
- by any of the Council's arms' length external organisations;
- as contractors by the Council, any of the Council's arms' length external organisations; or
- by a contractor to work on any of the Council's premises.

“**Gifts**” a gift can include any item or service received free of charge, or which may be offered or promised at a discounted rate or on terms not available to the general public. Gifts include benefits such as relief from indebtedness, loan concessions, or provision of property, services or facilities at a cost below that generally charged to members of the public. It can also include gifts received

directly or gifts received by any company in which the recipient holds a controlling interest in, or by a partnership of which the recipient is a partner.

“Harassment” is any unwelcome behaviour or conduct which makes someone feel offended, humiliated, intimidated, frightened and / or uncomfortable. Harassment can be experienced directly or indirectly and can occur as an isolated incident or as a course of persistent behaviour.

“Hospitality” includes the offer or promise of food, drink, accommodation, entertainment or the opportunity to attend any cultural or sporting event on terms not available to the general public.

“Relevant Date” Where a councillor had an interest in shares at the date on which they were elected, the relevant date is – (a) that date; and (b) the 5th April immediately following that date and in each succeeding year, where the interest is retained on that 5th April.

“Remuneration” includes any salary, wage, share of profits, fee, other monetary benefit or benefit in kind.

“Securities” a security is a certificate or other financial instrument that has monetary value and can be traded. Securities includes equity and debt securities, such as stocks bonds and debentures.

“Undertaking” means:

- a body corporate or partnership; or
- an unincorporated association carrying on a trade or business, with or without a view to a profit.

ANNEX C

BREACHES OF THE CODE

Introduction

1. The Ethical Standards in Public Life etc. (Scotland) Act 2000 (“the Act”) provided for a framework to encourage, and where necessary enforce, high ethical standards in public life.
2. The Act provided for the introduction of new codes of conduct for local authority councillors and members of relevant public bodies, imposing on councils and relevant public bodies a duty to help their members comply with the relevant code.
3. The Act and the subsequent Scottish Parliamentary Commissions and Commissioners etc. Act 2010 established the Standards Commission for Scotland (“Standards Commission”) and the post of Commissioner for Ethical Standards in Public Life in Scotland (“ESC”).
4. The Standards Commission and ESC are separate and independent, each with distinct functions. Complaints of breaches of the Councillors’ Code of Conduct are investigated by the ESC and adjudicated upon by the Standards Commission.
5. The first Councillors’ Code of Conduct came into force in 2003. The Code has since been reviewed, and re-issued in 2010 to reflect legislative changes. The 2021 Code has been issued by the Scottish Ministers following consultation, and with the approval of the Scottish Parliament, as required by the Act.

Investigation of Complaints

6. The ESC is responsible for investigating complaints about councillors. It is not, however, mandatory to report a complaint about a potential breach of the Code to the ESC. It may be more appropriate in some circumstances for attempts to be made to resolve the matter informally at a local level.
7. On conclusion of the investigation, the ESC will send a report to the Standards Commission.

Hearings

8. On receipt of a report from the ESC, the Standards Commission can choose to:
 - Do nothing;
 - Direct the ESC to carry out further investigations; or
 - Hold a Hearing.

9. Hearings are held (usually in public) to determine whether the councillor concerned has breached the Councillors' Code of Conduct. The Hearing Panel comprises of three members of the Standards Commission. The ESC will present evidence and/or make submissions at the Hearing about the investigation and any conclusions as to whether the councillor has contravened the Code. The councillor is entitled to attend or be represented at the Hearing and can also present evidence and make submissions. Both parties can call witnesses. Once it has heard all the evidence and submissions, the Hearing Panel will make a determination about whether or not it is satisfied, on the balance of probabilities, that there has been a contravention of the Code by the councillor. If the Hearing Panel decides that a councillor has breached the Councillors' Code of Conduct, it is obliged to impose a sanction.

Sanctions

10. The sanctions that can be imposed following a finding of a breach of the Councillors' Code of Conduct are as follows:
- **Censure:** A censure is a formal record of the Standards Commission's severe and public disapproval of the councillor concerned.
 - **Suspension:** This can be a full or partial suspension (for up to one year). A full suspension means that the councillor is suspended from attending all meetings of the Council. Partial suspension means that the councillor is suspended from attending some of the meetings of the Council.
 - **Disqualification:** Disqualification means that the councillor is disqualified for the period determined (of up to 5 years) from being a councillor (which has the effect of removing them from office. Where a councillor is also a member of a devolved public body (as defined in the Act), other than as a representative or nominee of the Council, the Commission may also remove or disqualify that person in respect of that membership. Full details of the sanctions are set out in Section 19 of the Act.

Interim Suspensions

11. Section 21 of the Act provides the Standards Commission with the power to impose an interim suspension on a councillor on receipt of an interim report from the ESC about an ongoing investigation. In making a decision about whether or not to impose an interim suspension, a Panel comprising of three Members of the Standards Commission will review the interim report and any representations received from the councillor and will consider whether it is satisfied:
- That the further conduct of the ESC's investigation is likely to be prejudiced if such an action is not taken (for example if there are concerns that the councillor may try to interfere with evidence or witnesses); or
 - That it is otherwise in the public interest to take such a measure. A policy outlining how the Standards Commission makes any decision under Section 21 and the procedures it will follow in doing so, should any such a report be received from the ESC can be found on the Standards Commission's website.

12. The decision to impose an interim suspension is not, and should not be seen as, a finding on the merits of any complaint or the validity of any allegations against a councillor, nor should it be viewed as a disciplinary measure.



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W W W . g o v . s c o t

Candidate Contact Details

The following information is requested to ensure that the Returning Officer is able to maintain effective lines of communication with candidates and election agents throughout the election process.

Section 1: Candidate's Contact Details	
Candidate's Name	
Candidate's Home Address	
Candidate's Home Telephone	
Candidate's Mobile	
Candidate's Email	
Section 2: Election Agent's Contact Details	
Election Agent Name	
Election Agent's Home Address	
Election Agent's Home Telephone	
Election Agent's Mobile	
Election Agent's Home Email	
Election Agent Office Address	
Election Agent Office Telephone	