

POWERS AND DUTIES OF THE RETURNING OFFICER
(to be read in conjunction with the Scheme for the Establishment
of Community Councils in Dumfries & Galloway)

All Notices referred to will be prepared by Dumfries & Galloway Council's Communities Business Management team and forwarded to the Returning Officer as required.

1. NOTICE OF ELECTION

Dumfries & Galloway Council (DGC) shall cause a Notice to be inserted on at least one occasion in a newspaper circulating in the Community Council (CC) area, which Notice shall be in the form contained in **Appendix 2**. The Returning Officer (RO), having been advised of the date of the election for which they are appointed, shall arrange for the Notice of Election (**Appendix 2**) to be distributed and displayed in the local community as appropriate.

2. NOMINATION OF CANDIDATES

The procedure for the nomination of candidates shall be in accordance with the attached guidance. The RO shall arrange for the preparation and distribution of Nomination Papers in the style contained in **Appendix 3**.

3. NOTICE IN CASE OF UNCONTESTED ELECTION AND NOTICE OF POLL

3.1 After 5pm on _____ [date], which is the expiry of the time for the delivery of Notices of Nomination, the RO shall either:

- a) where the number of candidates remaining validly nominated does **not exceed** the number of vacancies available, cause Public Notice to be given that there will be no poll and that on the day fixed for the election, those candidates shall be declared elected members of the CC (this is an uncontested election); or
- b) where the number of candidates remaining validly nominated **exceeds** the number of vacancies available, cause Public Notice to be given that the required number of Community Councillors shall be elected from among them at a poll to be held by ballot box (this is a contested election).

3.2 The Public Notices to be given under (a) and (b) above shall be in the form set out in **Appendices 4 and 9** and shall be advertised in the local Press by DGC, displayed on CC notice boards and at any other place where the CC has permission to do so, subject to any necessary consents, statutory or otherwise.

3.3 If the number of candidates remaining validly nominated at an ordinary election is below **HALF** of the maximum permitted membership, the CC shall be **dissolved** from 8am on the day after the date set for the ordinary election. The RO shall give Public Notice of the dissolution (as per **Appendix 6**) in the local Press, on the CC notice boards and at any other place where the CC has permission to do so, subject to any necessary consents, statutory or otherwise.

3.4 In the interval between ordinary elections, if the number of candidates remaining validly nominated is equal to or less than the maximum permitted number, the resultant vacancies may be filled by co-option at an ordinary meeting, AGM or EGM of the CC.

3.5 Death of a candidate: If a candidate whose name has been included in a Notice of Uncontested Election or Notice of Poll dies before the declaration of the result of the election their candidature shall be regarded as a vacancy for the purposes of the immediately preceding two paragraphs.

3.6 Death of a proposer: If a person whose name has been included as a proposer in a Notice of Uncontested Election or Notice of Poll dies before the declaration of the result of the election, the candidate shall continue to be validly nominated.

3.7 For membership numbers, see Schedule 1 of the Scheme.

GUIDANCE NOTES FOR RETURNING OFFICERS – COMMUNITY COUNCIL ELECTIONS

These guidance notes may help to clarify some of the assistance which Dumfries & Galloway Council (DGC) can provide to enable the Returning Officer (RO) to undertake their role.

Communications

Communities Business Management will provide the first point of contact with DGC for Returning Officers (ROs) – contact details are provided at the end of this document.

Booking of Halls

When Election Notices are posted, the RO is responsible for provisionally booking the locations for any election, count and the first meeting of the Community Council (CC). When selecting locations, inclusivity is important and Communities Business Management staff can book locations, if the RO requests assistance.

Advertising the Notice of Election

DGC will place the Notice of Election in all local newspapers. The RO is responsible for all local publicity informing the community about the election and must display the Notice of Election on notice boards used by the CC and in other suitable community locations.

Nomination and Withdrawal of Candidates

The RO is responsible for issuing nomination forms to any person who expresses an interest – CC members may ask for a number of forms and this is perfectly acceptable. Nomination forms should be easily available to the community – these forms can be sent direct from DGC on request and made available from Communities Business Management, libraries, Customer Service Centres and DGC's website. These forms must be returned to the RO.

All nomination papers have to be checked for validity on receipt against the Register of Electors (enclosed) but also against a list of received nominations to ensure that nobody has proposed more than one person. Any invalid papers have to be returned to the candidate **immediately**, with the reasons for return written on the form. The RO may wish to use the support available from Communities Business Management staff before confirming whether or not a nomination is valid. A suggested format for a summary listing of nominations received is enclosed.

ROs need to ensure that all nomination forms are forwarded to Communities Business Management (or community.councils@dumgal.gov.uk) immediately on receipt or, when issuing nomination papers to candidates, to ask that all forms be sent direct to Communities Business Management – this may allow some time for errors to be rectified before the closing date. ROs are strongly recommended to maintain a list of all the nomination forms returned.

If the RO wishes to make use of any or all of the assistance offered above or has any queries in relation to the CC Elections and the RO role, please contact Communities Business Management using the contact details below.

Communities Business Management Dumfries & Galloway Council Municipal Chambers Buccleuch Street Dumfries DG1 2AD Phone 0303 333 3000 mailto:community.councils@dumgal.gov.uk

Encs: Electoral Register(s)
Summary listing of nominations