

Working Paper – Qualifications on the Consent to Nomination

1. At the Council meeting held on 22 January 2014, there was some debate regarding the requirements to stand as a candidate for an election, in particular the implications if a candidate's circumstances change during their term of office. It was agreed that this would be referred to the General Purposes Committee. This paper sets out the qualifications to stand as a candidate.
2. Qualifications to stand as a candidate are set out in Section 79(1) of the Local Government Act 1972. To summarise, there are essentially four qualifications to be a councillor (with an additional fifth for parish councillors). The key wording in Section 79 is that a person is qualified to be elected and to be a councillor provided **one** of the four qualifications is met. As part of the nomination process, a candidate needs to complete the 'consent to nomination' form which asks the candidate to indicate which of the qualifications they meet.
3. Three of the qualifications are retrospective - occupation as owner or tenant, principal or only place of work, and resided - for the whole of the twelve months preceding the day of nomination and the day of the election. Those qualifications then continue for the full term of office, even though in practice the councillor may have moved, ceased to occupy, ceased to work, etc. The fourth qualification is registration as a local government elector and the wording says "he is and thereafter he continues to be...".
4. Therefore, unless the only qualification that a councillor had at the time of their nomination was registration as a local government elector, and that registration has ceased, it is unlikely that a councillor would cease to be qualified during their term of office. This is because the other qualifications are retrospective and so would continue for the remainder of the term of office. I use the word "unlikely" because it could be the case that a councillor may not have lived or worked in the borough for the whole of the 12 months preceding the day of nomination and the day of the election.
5. The consent to nomination form asks candidates to complete as many of the qualifications that apply; however, the document only requires one to be provided. Our recommendation to candidates is to fill in as many qualifications as apply to them, even though candidates only have to meet one of the qualification criteria.
6. The nomination forms are available for public inspection from the close of nominations until the day before the poll; and are destroyed securely after one year.