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Harlow Council Elections

A Guide for Candidates

This guide is for anyone who is considering standing for election as a local Councillor in Harlow.

It contains advice on the role of councillors and the rules that govern them.

Harlow
Council

Working together for Harlow

Local Government

Local authorities make decisions within rules laid down by Parliament; their powers and functions are limited to those permitted by law. Many aspects of council activity are controlled or influenced by central government; in particular there are numerous controls on how councils raise and spend money. Within these limitations, councils are independent bodies with freedom to decide most questions of local policy. For example, district councils must, by law, make proper arrangements for refuse to be collected within their areas. But how often that refuse is collected or whether plastic sacks are used in preference to 'wheelie bins' is for a district council to decide.

Harlow

Harlow Council is a small district council with a population of approx 78,000 people. Boundary Commission changes in 2002 resulted in a move from 16 to 11 wards and a reduction from 42 Councillors to 33. Harlow Councillors are elected in thirds so that every time there is an election at least eleven Councillors will stand for election, one in each ward. Elections happen in three consecutive years and then the fourth year is a fallow year where no local election takes place.

Elections will be held in 2010, 2011, 2012 but 2009 and 2013 will see no local elections.

The average number of voters in Harlow is about 60,000, which means that an individual Councillor will represent on average 1,818 residents.

Councillors and Officers

Councillors work to improve the quality of life for people within the area served by the Council by making decisions and policies covering services provided for the local community. Councillors are the elected representatives of the people. Their role is to determine the direction of the Council and its policies, and to articulate the views and needs of their constituents. Officers are the paid officials employed by the Council to advise Councillors and to implement their policies. Clearly, the success of this partnership is dependent on mutual trust and respect. A Councillor's role can be varied, but there are 3 distinct but related main areas of responsibility:



representing the residents of their ward; formulating policy and providing community leadership.

Many people confuse the responsibilities of county and district councils. Local people usually refer to – ‘The Council’, in this instance the district council as being responsible for all services. This confusion is exacerbated by the fact that Harlow Council collects Council Tax for both itself and the county council (and the Police Authority) in one bill. Detailed here are some of the differences between district and county councils, in Harlow’s case, Essex County Council.

COUNTY	DISTRICT
<ul style="list-style-type: none"> ■ Education ■ Social Services ■ Strategic Planning, including structure plan, minerals planning and waste planning, planning permissions for some works (e.g. waste facilities) ■ Highways, inc lighting, traffic & transport planning ■ Refuse Disposal ■ Fire ■ Consumer Protection ■ Parks & Open Spaces ■ Museums & Art Galleries ■ Small Holdings ■ Public Rights of Way ■ Strategic Emergency Planning (i.e. major incidents such as oil spills, avian influenza etc) 	<ul style="list-style-type: none"> ■ Collecting Council Tax ■ Housing ■ Planning, local plans & Development control ■ Economic Development ■ Tourism ■ Building Regulations ■ Cemeteries & Cremation ■ Parks & Open Spaces ■ Museums & Art Galleries ■ Environmental Health ■ Registration of local land charges ■ Elections ■ Public Rights of Way ■ Refuse Collection

Who can stand for election?

To qualify as a candidate you must satisfy the following criteria on nomination day and polling day:

- be at least 18 years old
- be a British citizen, a qualifying Commonwealth citizen, or a citizen of any other member state of the European Union.



You must also meet at least one of the following four qualifications:

- be a registered local government elector within the Harlow district, or
- during the whole twelve months before the day you are nominated you have occupied as owner or tenant any land or premises within the Harlow district, or
- your main or only place of work during the last twelve months has been in the Harlow district, or
- you have lived in the Harlow district during the whole of the last twelve months.

Disqualifications

You can not stand for election if:

- you are employed or hold a paid office within Harlow Council
- you are subject to a Bankruptcy Restriction Order
- you have been sentenced to a term of imprisonment of three months or more, without the option of a fine, during the last five years
- you have been disqualified under part 111 of the RPA 1983 or under the Audit Commission Act 1998.

Do Councillors get paid?

Councillors are not paid a salary. However, they do get allowances as a contribution towards the costs of being a Councillor. These allowances fall into three categories.

Basic Allowances

All Councillors receive a basic allowance in 12 monthly instalments. This allowance recognises the time Councillors spend working in their wards and attending meetings. Allowances are taxable under Schedule E.

Telephone and Broadband Allowance

The telephone allowance is paid quarterly and covers the costs of using your home phone line for Council purposes. If you have a broadband connection at home you may also reclaim this cost.



Special Responsibility Allowance

A Special Responsibility Allowance is paid to Councillors who have a higher than average workload or who hold particular positions of responsibility within the Council or their particular political group.

Travelling, Meals and Childcare Allowances

Councillors may claim travelling and meal allowances for certain approved duties. The Secretary of State sets the maximum rates. Harlow also pays a Childcare Allowance to enable Councillors to attend approved meetings.

What is a Councillor's workload like?

As well as attending the six Full Council meetings held each year (when all Councillors meet), Councillors would normally be a member of one or more of the Standing Committees, plus working groups and they would have to attend these meetings.

Most committees meet 6 times each year, working groups may meet more often, committees usually meet in the evening but working groups and panels may meet during the day.

Councillors also need to spend time reading reports and agendas and become familiar with the issues they deal with so that they can make informed decisions. Some Councillors take on extra responsibilities such as chairing a committee, which can lead to a heavier workload. Councillors also need to attend meetings of their own political group and may be asked to attend working groups and meetings in addition to the Council meetings.

Another major responsibility is that of representation of their ward and this usually involves attending meetings, dealing with complaints and enquiries from residents and holding ward surgeries on a regular basis (usually monthly).

Legal Responsibilities of a Councillor

Councillors have a number of legal responsibilities. The main ones are set out in the report of the Royal Commission on Standards of Conduct in Public Life 1976; councillors must also be bound by the National Code of Local Government Conduct. One example is that Councillors must keep to the rules on claiming expenses and



allowances. Another example is that they must declare relevant non-financial interests. Further information on this can be obtained from the Monitoring Officer.

Help for Councillors

After each election Harlow Council organises a training programme to help new Councillors become familiar with the functions of the Council and their role as Councillors. Ongoing training programmes provide specialist skills and a more in-depth explanation of issues concerning the Council.

Help for Councillors with special needs

The Members' Services Officer is there to help you. This officer can arrange office equipment and order stationery and generally point Councillors in the right direction for help and support.

The Civic Centre is accessible for mobility-impaired people and the committee rooms and council chamber are fitted with a loop system. Specialist office equipment may also be purchased for Councillors with visual or hearing impairment and you should contact Members' Services following your election to discuss your personal needs.

Nomination

Every candidate must be nominated on a Nomination Paper. You must secure the signature of ten local government electors for the ward concerned in support of your nomination.

Election Expenses

The maximum expenditure you may incur on your campaign is £600 plus an additional 5p for every elector on the electoral register as first published in your ward. This expenditure is not paid for by the Council; it is the responsibility of yourself or your political party if you belong to one. You will have to make a return of expenses (including nil returns) to the Returning Officer. You will be told the date by which you must do this.

The count takes place as quickly as possible after the close of the polling stations at 10pm on the day of the election. In Harlow, this is usually in the main hall at the Latton Bush Centre, unless it is a joint election (e.g. Parliamentary) when the Sports Centre is usually the



venue. Space is limited at both venues and you, your spouse and agents may attend the count, but additional guests may not. Tickets of admission will be issued.

Following the election you will be asked to sign a declaration of acceptance of office. It is important that you sign the declaration as soon as possible and certainly within two months, as you will be unable to act as a Councillor or attend meetings until you do.

Duties and Constraints of being a Councillor

Councillors are elected to serve the whole of Harlow. Occasionally there will be a difficulty in deciding whether a matter seen as beneficial to the district as a whole should be supported against the wishes of the inhabitants of your ward, who may ask you to speak and vote against the proposal.

If you are elected to the Council, doubtless there will be objectives you will wish to achieve as a Councillor. It is important that your expectations are realistic. In particular it is worth remembering that:

- to achieve anything, you will need the support of your fellow Councillors (or a majority of them at least). Councillors have no executive powers as individuals, only as a collective body i.e. as the Council or one of its committees.
- Local authorities cannot go beyond what is prescribed in law. For example, the Council has no jurisdiction over education or health services. Having said this, the Council can seek to influence others, either by representing public opinion or through its representatives on other organisations, or by exercising its powers of scrutiny.

Beyond these points, you must at all times abide by the National Code of Local Government Conduct and take no part in any Council business in which you have a prejudicial interest.

Declarations of Interest

You must at all times abide by the National Code of Conduct, which stipulates:

'It is not enough to avoid actual impropriety. You should at all times avoid any occasion for suspicion and any appearance of improper conduct'.



The code sets out clearly what should be considered as a personal interest in any matters and what might be a prejudicial interest. Both need to be declared and there are rules on when you may be required to withdraw from a meeting.

Use of Confidential and Private Information

As a Councillor, you necessarily acquire much information that has not been made public and is confidential. It is a grave betrayal of trust to use confidential information for the personal advantage of yourself or anyone known to you; such action could lead to criminal proceedings. **Danger Zones** - if you fail to attend any meetings for six consecutive months you will automatically cease to be a Councillor, unless within that period the Council has approved your absence. If you cease to be a Councillor, a vacancy will arise.

When taking part in a debate at committee, or Council meeting, you are protected by qualified privilege i.e. you would not be liable in slander unless actuated by malice. However, you should take care not to digress from the subject because your privilege is not effective unless the statement is material and pertinent to the matter under discussion.

Lengthy reports by officers, supported by plethora of statistical detail are not uncommon. A Member who hopes to influence the course of discussion or event must do his/her homework and do it thoroughly. When in doubt ask. Do not hesitate to seek advice from experienced Members or officers.

Useful contacts

Returning Officer, Malcolm Morley, Chief Executive, 01279 446000.
Deputy Officer, Graham Branchett, Strategic Director, 01279 446200.

Election Officer, Karen Brandon, Elections Office, 01279 446043.

The Electoral Commission produces candidates' guides for every election, together with full details about necessary policies and expenses etc.

Electoral Commission website: www.electoralcommission.org.uk

