

WEST LoTHIAN COUNCIL

WHITBURN AND BLACKBURN WARD BY ELECTION

THURSDAY 14 NOVEMBER 2024

Nomination Pack One

| DESCRIPTION | DEADLINE FOR RETURN OF FORMS |
|---|--|
| 1. Letter to prospective candidates | |
| 2. Nomination Procedure | |
| 3. Returning Officer Guide to Nomination Papers | |
| 4. Electoral Commission Nomination forms and papers for completion:- a) Nomination Form b) Home Address Form c) Certificate of Authorisation d) Request for a Party Emblem e) Notification of Election Agent | Nominations start at 10am on Tuesday 8 October The deadline for nominations is 4pm on Monday 14 October |
| 5. Register Request Form | Optional. No set deadline, however it is suggested it is lodged with nomination papers |
| 6. Election Timetable | |
| 7. Privacy Notice – Candidates and Agents | |
| 8. Candidate and agent contact sheet | |

A further pack and more information will be issued for candidates and agents at their nominations meeting.

ADDITIONAL RESOURCES

| | |
|----|---|
| 1. | Guide to being a councillor |
| 2. | Electoral Commission Advice and Guidance for Candidates |
| 3. | Location of polling places |
| 4. | Electoral Commission Code of Conduct for Campaigners |
| 5. | Previous election results |
| 6. | West Lothian Council – By Election Information |
| 7. | Electoral Management Board STV Factsheet |

DATA LABEL: OFFICIAL

West Lothian Election Office

Phone 01506 282035

Email: elections@westlothian.gov.uk

Council Customer Service Centre

Phone No. 01506 280000

Email: customer.service@westlothian.gov.uk

Lothian Electoral Registration Office

Phone 0131 344 2500

Email: enquiries@lothian-vjb.gov.uk

Electoral Commission (Scotland Office)

Phone 0333 103 1928

Email: pef@electoralcommission.org.uk

West Lothian Civic Centre
Howden South Road
Livingston
West Lothian
EH54 6FF

Contact: Election Office
Tel: 01506 282035
e-mail: elections@westlothian.gov.uk

3 October 2024

Dear Prospective Candidate

Whitburn and Blackburn By Election – Thursday 14 November 2024

I enclose nomination papers and other relevant supporting documentation for the Whitburn & Blackburn Ward By-Election to be held on Thursday 14 November 2024. Information will be posted regularly on the webpage for the by election <https://www.westlothian.gov.uk/whitburn-blackburn-by-election>.

For the convenience of candidates and election agents, arrangements have been made for staff to accept nomination papers at the Election Office (Emergency Planning Room), West Lothian Civic Centre, Howden South Road, Livingston. Other rooms in the Civic Centre may be used when necessary.

The nomination period runs from Tuesday 8 October 2024 to Monday 14 October 2024. Nominations can be lodged between 10 am and 4 pm during this period. Nominations must be lodged not later than 4pm on Monday 14 October 2024.

A procedure note for nominations is enclosed. We have continued our recent practice of providing a guide to the nomination forms and please use that for assistance as you are completing your forms.

For recent elections, we have encouraged candidates and agents to submit draft forms by email for checking in advance. Feedback on that approach was positive and we will do the same again for this by-election. Your cooperation in doing as much as possible before your nominations meeting through email and telephone would be appreciated. Regardless, we always will suggest an informal check before your forms are officially lodged.

It would be helpful if candidates or election agents would contact a member of the Election Team on 01506 282035 or by email at elections@westlothian.gov.uk to arrange a mutually convenient date and time for a final check and lodging of nomination papers. Ideally that would happen after forms have been checked and adjusted via email. It is better for that not to be left until the very end of the nominations period.

Candidates are advised to read the [Electoral Commission's Guidance to Candidates and Agents](#).

Yours sincerely

Graham Hope
Returning Officer

WHITBURN AND BLACKBURN WARD BY ELECTION

THURSDAY 14 NOVEMBER 2024

NOMINATIONS PROCEDURE FOR CANDIDATES AND AGENTS

Before the event

- Check eligibility to stand and be elected and the nominations deadline
- Read the Electoral Commission Guidance for Candidates
- Download forms and fill them in well in advance – use Returning Officer Guide
- Organise agent, party authorisation, description and emblem
- Plan for obtaining signatures before nominations appointment

Before coming in

- Submit completed papers by email for informal check, Word format will help
- Clarify changes requested, change and re-send till finalised
- Make (early) appointment for delivery to the Returning Officer in Election Office
- Inform the Returning Officer who will be bringing the forms in
- Check you have everything on the checklist

At the Civic Centre

- Papers must be handed to the Returning Officer at the Election Office
- Do not leave forms or papers at Reception or with security staff
- Follow instructions from staff
- Ask for the Election Office/Team (x82035)
- Wait to be collected and escorted to the Election Office

Submitting the forms

- Returning Officer will compare paper forms with email version (if any)
- Whether or not sent by email, full informal check is recommended first
- May be asked to make changes or mark corrections
- If not attending personally, be available by phone, just in case
- Once checked, papers will be formally lodged and receipted

Decision

- Final decision may be by different DRO, not all are authorised
- (Yet) another brief sanity check before being accepted
- If accepted, letter handed over to confirm deemed to stand nominated
- Second Nomination Pack handed over and content explained
- Clarify communications channel, especially if candidate or agent absent

After the event

- Details of candidates and agents will be published after nominations close
- Return any forms not handed over to Returning Officer (e.g., register request)
- Organise polling and counting agents and meet the deadline for appointment
- Campaign, following A-board policy, guidance and Code of Conduct
- Stay in touch, notify Returning Officer early of issues, changes or queries

Feedback on your experience of the electoral process so far will be welcomed.

WHITBURN & BLACKBURN WARD BY ELECTION – THURSDAY 14 NOVEMBER 2024

RETURNING OFFICER'S GUIDE TO NOMINATION FORMS

Nomination Form
Home Address Form
Certificate of Authorisation
Request for a Party Emblem
Notification of Election Agent

The Electoral Commission has provided a set of blank nomination forms. These are available online on the [Commission's website](#). They have been provided separately to candidates and agents as hard copies (Item 04 in the Nomination Pack).

This version of those forms includes advice and guidance from the Returning Officer on how the forms should be completed. That advice is **shown in red**. The aim is to help candidates and agents prepare the forms for submission and with a view to making the nominations procedure as smooth as possible. Candidates and agents are personally responsible for the accuracy of the information they include and for meeting the deadline for submission (4 pm on Monday 14 October 2024).

October 2024

WHITBURN & BLACKBURN (WARD 7) BY ELECTION

2024

This is the nomination pack from the Electoral Commission with the Returning Officer's guidance added in red.

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

The following forms must be delivered by hand:

1: Nomination form, including consent to nomination

2: Home address form (part 1 and part 2)

Home address form must accompany the nomination paper so they must come together.
The rest of the forms can come later and can come by post but ideally all together.

The following papers can be delivered by hand or by post:

3: Certificate of authorisation (party candidates only)

4: Request for a party emblem (party candidates only)

5: Notification of election agent

These can come later than and separately from the nomination paper and the home address form, but ideally they should all come together

The notice of election published by the Returning Officer will specify the times and exact location to which nomination papers must be delivered.

From Tuesday 8 October 2024 until Monday 14 October 2024, both inclusive, 10 am till 4 pm, at the Election Office in West Lothian Civic Centre.

Ensure that where signatures are required, you submit the **original signed version** of each completed paper. Documents without original signatures cannot be accepted.

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, the Scottish Local Government Elections Order 2011, 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 their 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. The ward number is optional, it is not required | |
| Add your full name – surname in the first box and all other names in the second. No abbreviations, initials, nicknames or commonly-used names here | |
| 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. Full name is needed on all other forms | |
| 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. It should match the Certificate of Authorisation and be in the EC Register | |
| You must be a British citizen, qualifying Commonwealth citizen or a qualifying foreign 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. The RO cannot advise on eligibility to stand | |
| 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. All the qualifications that are met should be filled in. Those not met should be scored out. They must be the same as on the home address form. Do not delete the cells in the form that do not apply | |
| 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. The RO cannot advise on eligibility to stand | |
| 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. Candidate must sign on or after 14th September 2024 | |
| 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. Anyone with legal capacity can be the witness | |
| Method of submitting the nomination form (which must include all pages of legislation) to the RO: at the Election Office , by hand, in person (but not limited to you or your agent). It cannot be submitted by post, fax, e-mail or other electronic means. | |
| Candidate's home address form (all candidates) | |
| Add your full name. It should match the nomination paper. No abbreviations, | |

| | |
|--|--|
| initials, nicknames or commonly-used names here | |
| Add your home address in full including a postcode | |
| Add your qualifying address, or qualifying addresses, including postcodes, to each of the relevant qualifications and tick those which apply. All the qualifications that are met should be filled in. Those not met should be scored out. They must be the same as on the nomination paper. Do not delete the cells in the form that do not 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. It should match the nomination paper | |
| 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. If it is not completed the home address will NOT show on the ballot paper | |
| Method of submitting the form to the RO: at the Election Office, 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. It should match the nomination paper and the home address form. No abbreviations, initials, nicknames or commonly-used names here | |
| 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). It should match the nomination paper | |
| 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. A chain of authority is permitted, the last link to be signed hard copy | |
| 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, e-mail or other electronic means) and "wet" signature required | |
| 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, e-mail or other electronic means) and "wet" signature required | |
| Notification of appointment of an election agent | |
| Give the name, address and office address of the appointed election agent, including postcodes. Make sure the office address is lawful, geographically. If you do not appoint an agent or choose to act as your own agent, 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, e-mail or other electronic means) and "wet" signature required | |

| | | |
|----------|-------------------------|------------------------|
| 1 | Council election | Nomination form |
|----------|-------------------------|------------------------|

| | | | | |
|-----------------|---------------|---------------|----------|-----|
| Office Use only | Date received | Time received | Initials | No. |
| | | | | |

| | |
|--|---|
| *ELECTION OF COUNCILLORS / A COUNCILLOR for the | |
| electoral ward: | Whitburn and Blackburn (Ward 7) Ward number is not needed or mentioned but can be included |
| of West Lothian | Council |
| Day and date of election | Thursday 14 november 2024 |

| | |
|--|---|
| I, the undersigned, am hereby nominated as a candidate at the said election. | |
| Candidate's Details | |
| Candidate's surname | Full name - no abbreviations, initials, omissions or commonly-used names. No prefixes or suffixes.(e.g., Dame, Dr., Esq.) . Should match the home address form and other forms submitted. |
| Other names in full | |
| Commonly used surname (if any) <i>(see Note 3 below)</i> | No requirement to insert anything. If blank, full names will be used. Can be used instead of, or as well as. Avoid misleading or offensive ones which will not be used on the ballot paper. |
| Commonly used forenames (if any) <i>(see Note 3 below)</i> | Candidate's personal responsibility |
| Description (if any) <i>(see Note 6 below)</i> | Optional. Blank, Independent, or party name or description. Party must be registered, and registered to operate in Scotland. Party name and description to match Certificate of Authorisation and EC Register. |

| | |
|---|--|
| I, the nominee for election, consent to being nominated as a candidate for the | |
| electoral ward: | Whitburn and Blackburn Ward (Ward 7) Ward number is not needed or mentioned but can be included |
| of West Lothian | 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 Candidate's personal responsibility. RO cannot offer advice. Knowingly providing misleading information is an offence. | |

Only one of the following four connections is required to be satisfied but more than one may apply. ALL those that do apply should be completed. The home address form must match and be completed for each qualification filled in on this paper.

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

West Lothian local government area, not restricted to the ward.

At date of nomination, not date of election.

Actual address is not entered here since a home address form is now used.

Cross it out if it does not apply. Do not delete the whole cell from the form.

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

Full number - letters and figures

*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:

West Lothian local government area, not restricted to the ward.

Actual address is not entered here since a home address form is now used.

Can be different places in that period but must be continuous, no breaks.

Cross it out if it does not apply. Do not delete the whole cell from the form.

*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;

West Lothian local government area, not restricted to the ward.

Actual address is not entered here since a home address form is now used.

Can be different places in that period but must be continuous, no breaks.

Cross it out if it does not apply. Do not delete the whole cell from the form.

*d. I have during the whole of the 12 months preceding my nomination resided in the area named above.

West Lothian local government area, not restricted to the ward.

Actual address is not entered here since a home address form is now used.

Can be different places in that period but must be continuous, no breaks.

Cross it out if it does not apply. Do not delete the whole cell from the form.

*Score out qualifications that are not applicable

Deleting those that do not apply means all those that do apply should be completed. They should match the home address form.

I declare that

- 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;
- 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
- 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

Candidate's personal responsibility. RO cannot offer advice. Knowingly providing misleading information is an offence

Candidate's signature

Must be signed, legible or not

Date

Cannot be signed before 14 September 2024.
Must be witnessed (below).

| | |
|---|---|
| Witness: I confirm the above-mentioned candidate signed the declaration in my presence. | |
| Signature of witness: | Must be signed, legible or not. Anyone with legal capacity can sign. |
| Witness (name in full): | Full name - no abbreviations, nicknames, initials or omissions. Must match the home address form. Actual address is not entered here since a home address form is now used. |
| Date | Must be dated and tie in with date of candidate's signature. |

This form must be delivered, with the home address form, not posted, to the Returning Officer at the Election Office by no later than 4pm on Monday 14 October 2024.

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 | | | | |
| Whitburn and Blackburn (Ward 7) Ward number is not needed or mentioned but can be included. | electoral ward of the | | | |
| LOCAL GOVERNMENT AREA of: | West Lothian | | | |
| Date of election: | Thursday 14 November 2024 | | | |

You must complete Part 1 and Part 2. Only sign Part 2 if you wish for your home address to be made public. **The default position is the home address will not be published. Part 2 has to be signed for that to happen.**

| | |
|---|--|
| Part 1: | |
| Full name of candidate | Full name - no abbreviations, initials, nicknames or omissions. No commonly-used names on this form. No prefixes or suffixes (e.g., Dame, Dr., Esq.). They should match the nomination paper and other forms submitted. |
| Home address (in full) | Home address is now on this form, not on the nomination paper. Include post code. |
| <p>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). These must match what is completed in the nomination paper. Only one is required to be satisfied but more than one may apply. All those that do apply should be completed. Score out those that do not apply.</p> <p>Candidate's personal responsibility. RO Cannot offer advice. Knowingly providing misleading information is an offence</p> | |
| 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 | <p>Address at which the candidate is registered to vote. West Lothian local government area, not restricted to the ward. At date of nomination, not date of election. Include post code. Cross it out if it does not apply and check it is also crossed out on the nomination paper. Do not delete the whole cell from the form.</p> |
| (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 | <p>West Lothian local government area, not restricted to the ward. Can be different places in that period but must be continuous, no breaks. Include post code. Cross it out if it does not apply and check it is also crossed</p> |

| | | |
|---|--|---|
| above | | out on the nomination paper. Do not delete the whole cell from the form. |
| (c) my principal or only place of work during the preceding 12 months has been in the local government area named above | | West Lothian local government area, not restricted to the ward. Can be different places in that period but must be continuous, no breaks. Include post code. Cross it out if it does not apply and check it is also crossed out on the nomination paper. Do not delete the whole cell from the form. |
| (d) I have during the whole of the preceding 12 months resided in the local government area named above | | West Lothian local government area, not restricted to the ward. Can be different places in that period but must be continuous, no breaks. Include post code. Cross it out if it does not apply and check it is also crossed out on the nomination paper. Do not delete the whole cell from the form. |

Witness details

| | |
|---|---|
| Full name of the person who will witness the candidate's consent to nomination form | Full name - no abbreviations, initials, nicknames or omissions. Must match the nomination paper. No witness signature required on this form. Anyone can witness. |
| Full home address of the person who will witness the candidate's consent to nomination form | Include post code. |

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.

This information is required even where the candidate signs the form to indicate they wish to have their home address used.

| | |
|--|--|
| The relevant area my home address is situated in: | (insert name of relevant area) ¹ see below. Different rules apply for addresses in Scotland, in other UK countries and outside the UK. Goes by home address above. What is entered here will appear on the ballot paper instead of the home address. Only needed if home address is in the UK, see below if candidate lives outside the UK. |
| OR | |
| My home address is situated outside the UK. My home address is situated in: | (insert name of country) Only needed if home address is outside the UK, otherwise blank. See above for home address in the UK. |
| <p>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.</p> <p>Candidate's choice – be clear about intention. The result of signing will be home address on ballot paper.</p> | |
| <p>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)</p> | Only marked if Part 2 is to be signed, below |
| Signature of candidate (only required where the statement above requiring home address to be made public has been completed) | |
| Candidate's signature: | If applicable, must be signed, legible or not. If applicable, previous box should be marked with X. |
| Date: | No restriction on date of signature, that rule only applies to the nomination paper |

Deliver the home address form with the nomination paper **by hand** to the Returning Officer **at the Election Office** by no later than 4pm on **Monday 14 October 2024**.

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

| | Date received | Time received | Initials | No. |
|-----------------|---------------|---------------|----------|-----|
| Office Use only | | | | |

3

Council election

Certificate of authorisation

To accompany the nomination of a candidate standing **on behalf of a registered political party**. This form can be delivered by post and can come separately and later than the nomination paper and home address form. It cannot be faxed or emailed. Ideally, they should all be brought together. If it is coming separately, let the RO know.

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. There may be a chain of authority back to the Nominating Officer. A wet signature is required from the person last in the chain of authority. Other links in that chain can be less formal.

The Nominating Officer can (directly or through others) 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: | West Lothian | Date of election | Thursday 14 November 2024 |
| Ward: | Whitburn and Blackburn Ward (Ward 7) Ward number is not needed or mentioned but may be included. | | |

I hereby certify that

Certificate must cover this election by type, geography and date.

| | |
|---|--|
| The candidate (name in full): | Same as nomination paper - all names, full names. No abbreviations, initials, nicknames, omissions or commonly-used names here. Must match the nomination paper and home address form. No address here since the home address form is now used. |
| Is authorised to stand for: | Name of political party registered with the Electoral Commission In current EC Register. Authority must cover this election, by name and/or by date. No insertion of "Scottish" allowed before the registered party name. |
| The candidate may include the following registered description/party name in their nomination form: | Can be the party name as registered or one of the registered descriptions. Must match the nomination paper. Emblem not mentioned here since technically the party does not have to authorise that. It is at the candidate's request once party authorisation is given for the name/description |

| | |
|---|---|
| | use. |
| 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): | <p>Must be signed, legible or not. Nominating Officer to match EC Register. Might not be signed by Nominating Officer but by someone who has their authority to do so. A wet signature is required from the person last in the chain of authority, other links may be less formal.</p> |
| Name of person signing this form: | <p>If not by Nominating Officer, confirm authority has been given. Links in a chain can be less formal Name in full - no abbreviations, initials, nicknames, omissions or commonly-used names here.</p> |
| Date: | To be dated, date is not material. |

This form must be delivered for a candidate standing on behalf of a political party to the **Returning Officer at the Election Office** by no later than 4pm on **Monday 14 October 2024**.

| 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. **This form can be delivered by post and can come separately and later than the nomination paper and home address form. It cannot be faxed or emailed. Ideally, they should all be brought together.**

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: | West Lothian Council | Date of election: | Thursday 14 November 2024 |
| Ward: | Whitburn and Blackburn Ward (Ward 7) Ward number is not needed or mentioned but may be included. | | |
| Candidate's name in full: | Check against the nomination paper and home address form – must match. No abbreviations, initials, nicknames, omissions or commonly-used names here. Actual name, not commonly-used names. No address here since the home address form is now used. | | |
| 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): Party authorisation for the emblem is not technically needed. It is the candidate's choice once authorised by the Certificate. | | | |
| Emblem to be used (please use name or description as on the Electoral Commission website): | Must match current EC Register, exactly. Include ID number from the Register (e.g., id57). | | |
| Candidate's signature: | Must be signed, legible or not. Signature of candidate, no-one else. | | |
| Date: | To be dated, date is not material. | | |

This form must be delivered for a candidate standing on behalf of a political party to the Returning Officer **at the Election Office** by no later than 4pm on **Monday 14 October 2024**.

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.

| Office Use only | Date received | Time received | Initials | No. |
|-----------------------|---------------|---------------|----------|-----|
| | | | | |

5

Council election

Notification of election agent

| | | | |
|----------|--|-------------------|---------------------------|
| Council: | West Lothian | Date of election: | Thursday 14 November 2024 |
| Ward: | Whitburn and Blackburn Ward (Ward 7). Ward number is not needed or mentioned but can be included. | | |

Appointment of an election agent is not compulsory. If it is not done then the candidate becomes their own agent.

Candidate's notification of their election agent

| | |
|---|--|
| I, (Candidate's name in full): | Must match nomination paper and home address form. Full name – no abbreviations, initials, nicknames omissions or commonly-used names here. No address here since the home address form is now used. |
| Hereby declare that the name and address of my election agent is | |
| Agent's name: | Full name – no abbreviations, initials, nicknames omissions or commonly-used names. Will be published but not for longer than required for this election. |
| Agent's address (in full): | Home address. Full address including post code. Can be anywhere. Will be published but not for longer than required for this election. |
| 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: | Full address including post code. Physical address, not a PO Box. In West Lothian or in the UK Parliamentary Constituency of Bathgate & Linlithgow. Will be published but not for longer than required for this election. |
| Candidate's signature (or of a person authorised to act on behalf of candidate): | Must be signed, legible or not. Candidate does not have to sign the form – someone else can be authorised to do so. The person being appointed as election agent can sign so long as they have the candidate's authority to do so. |
| Date: | To be dated - date is not material. |

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: | Must be signed by the person appointed, legible or not. Check against name above. |
|--------------------|--|

| | |
|-------|---|
| | |
| Date: | To be dated - date is not significant but should tie in with the appointment date, above. |

The following is useful and optional information and will not be published.

| 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 **at the Election Office** by no later than 4pm on **Monday 14 October 2024**.

WHITBURN AND BLACKBURN (WARD 7) BY-ELECTION – 14 NOVEMBER 2024

TIMETABLE FOR CANDIDATES AND AGENTS

| October | |
|-----------------|--|
| 3 | Briefing for candidates and agents |
| 7 | Publication of Notice of Election |
| 8 | First day for nominations (10 am till 4 pm), daily until Friday 28 October |
| 14 | Last day for nominations, withdrawals, agent appointments (4 pm) |
| | Publication of Notices of Poll, Situation of Polling Stations and Election Agents (after all nomination papers have been determined) |
| 15 | First day to inspect nomination papers (4 pm, daily until 30 November) |
| | Poll cards to Royal Mail |
| 29 | Deadline for registration applications to ERO (midnight) |
| 30 | Deadline for new postal vote applications (including postal proxies) and changes to existing postal votes and proxies to ERO (5 pm) |
| November | |
| 1 | Postal vote packs to Royal Mail |
| 4 | First Postal Vote Opening |
| 5 | Second Postal Vote Opening |
| 6 | Deadline for new proxy votes (not emergency proxies) to ERO (5 pm) |
| 7 | Deadline for appointing polling agents and count agents to RO (midnight) |
| 14 | Polling Day (7 am till 10 pm) |
| | Deadlines for emergency proxy applications to ERO (5 pm) and replacement lost or spoiled postal vote packs (5 pm) |
| | Start reconciliation/verification, candidates and agents invited (10.15 pm) |
| 15 | Count Howden Park Centre, (9 am) |
| December | |
| 20 | Campaign spending returns |

WHITBURN AND BLACKBURN BY ELECTION – THURSDAY 14 NOVEMBER 2024

Candidate and Agent Privacy Notice

Who we are:

West Lothian Council ('the Council') is a local authority established under the Local Government etc. (Scotland) Act 1994. Under the Representation of the People Act 1983 ('the Act') each local authority must appoint a Returning Officer. This is a personal appointment with its own statutory functions, separate to the Council. The Returning Officer has a statutory duty to process certain personal data for the purpose of administering elections and as such is subject to the requirements of data protection regulations as a data controller. Graham Hope is the Returning Officer for the Council.

For many of the Returning Officer functions the Council will not be processing personal data on behalf of the Council; it will instead be processing personal data on behalf of the Returning Officer or any other statutory office holder whose duties relate to the administration of elections and whose office is required by law to be held by an officer of the Council in accordance with the Act.

The Council's head office is located at West Lothian Civic Centre. Howden South Road. Livingston EH54 6FF, United Kingdom. You can contact our Data Protection Officer by post at this address or by email: DataProtectionOfficer@westlothian.gov.uk.

Why do we need your personal information?

The Council helps to administer elections on behalf of the appointed Returning Officer. As a candidate or agent for an election we require your data for the following purposes:

- Processing and determining candidate nomination papers, agent appointment form, publishing statutory notices containing your details, and producing ballot papers and other poll material
- Administering, managing and recording the poll processes in which you are entitled to be involved
- Maintaining historical records of candidates, nominees and elected members participating in all elections and by-elections results in the West Lothian area for public consumption, including this one, such as the election results, or nomination and membership records
- Producing and maintaining records of candidates, election agents, polling agents, counting agents and postal vote agents as required by statute
- Administering the election expenses returns (candidate spending), holding of statutory returns relating to campaign/candidate spending during poll campaigns and publication of statutory notices regarding the same
- For any other purpose required to enable the Council to register you as a candidate or agent for an election

We will also use your information to verify your identity where required, contact you by post, email or telephone to maintain our records.

Legal basis for using your information

Processing of your information is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in the controller. Personal data concerning your political opinions is classed as 'Special Category' data, and as such a secondary legal basis is required for processing this data. The relevant legal basis is the

'Political Parties' condition of the 'Substantial Public Interest' subsection of the Data Protection Act 2018 (Schedule 1, Part 2, Paragraph 22)

The personal data that may be required:

- Name
- Address (home and office)
- Contact details (e.g. phone number, email address)
- Written signature
- Description of political party or if standing as an "independent"
- Electoral Register number
- Bank details for the reimbursement or statutory candidate deposits for some polls
- Data required for election expenses return (candidate spending): details of elections expenses, office address, election agent details

Who we will share your information with:

- The Returning Officer
- Printing companies contracted to produce printed material related to the poll
- Staff required to administer and manage the poll (e.g. door supervisors, polling place inspectors)
- Single Point of Contact Officer at Police Scotland, if required
- Scottish Government, Scottish Parliament, Scottish Office, Cabinet Office or UK Government as may be required for a particular poll for statutory returns
- Electoral Commission
- Electoral Registration Office
- Electoral Management Board
- The Council's payment section for the reimbursement of statutory candidate deposits for some polls
- Those entitled for each election to inspect and/or copy nomination papers and home address forms, and to inspect election expenses returns
- Where information is required for material intended for public consumption, this information will be available to the general public, including where necessary on the internet

The Council's Returning Officer is legally obliged to protect the public funds that they administer. They may share information provided to them with other bodies responsible for auditing and administering public funds, or where undertaking a public function, in order to prevent and detect fraud. This data sharing is in accordance with the Council's Information Governance Policy which can be found on our website. It also forms part of our requirements in line with our Records Management Plan approved in terms of the Public Records (Scotland) Act 2011.

How long do we keep your information for?

We will only keep your personal information for the minimum amount of time necessary. This period may be set out in law, but in most cases will be based on business need.

Your rights under data protection law:

- **Access to your information** – you have the right to request a copy of the personal information that we hold about you.

- **Correcting your information** – we want to make sure that your personal information is accurate, complete and up to date. You may therefore ask us to correct any personal information about you that you believe does not meet these standards.
- **Lodge a complaint** - with the Information Commissioner Office (see below)
- **Deletion of your information** – you have the right to ask us to delete personal information about you where:-
 - you think that we no longer need to hold the information for the purposes for which it was originally obtained
 - you have a genuine objection to our use of your personal information
 - our use of your personal information is contrary to law or our other legal obligations.

Restricting how we may use your information:

In some cases, you may ask us to restrict how we use your personal information. This right may apply, for example, where we are checking the accuracy of your personal information that we hold about you or we are assessing the objection you have made to our use of your information. This may also apply if we no longer have a basis for using your personal information but you don't want us to delete the data. Where this right is realistically applied it will mean that we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

You should contact us at the addresses noted above should you wish to exercise any of these rights.

Information you have given us about other people:

If you are providing anyone else's details within information that you have submitted to the Council you should make sure that you have permission to give their information to the Council. We will only use this information to meet the requirement of the election. Should third parties wish to more information as to how we will use their information they can visit our website at <https://www.westlothian.gov.uk/elections> or email elections@westlothian.gov.uk.

Complaints:

We aim to directly resolve all complaints about how we handle personal information. You have a right to lodge a complaint with the Information Commissioner's Office, who can be contacted by post at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, or by phone on 0303123 1113 or 01625 545 745. Further information can be found at <https://ico.org.uk/concerns>.

More Information:

For more details on how we process your information visit <https://www.westlothian.gov.uk/dataprotectionandprivacy>. If you do not have access to the internet you can contact us by telephone on 01506 282035 to request hard copies of our documents.