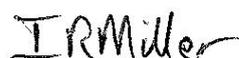


## **Procedural rules for local advisory poll to be held in Kidderminster on 7 May 2015**

This document sets out the rules for the local advisory poll.

Rules 1 to 12 were set by Wyre Forest District Council at its meeting on 10 December 2014.

Rules 13 to 34 were set by the counting officer on 30 January 2015 in accordance with the delegation to him in rule 12.



Ian Miller

Counting Officer for the local advisory poll

30 January 2015

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<b>Number of rule</b>	<b>Content of rule</b>
1. Introduction	These are the rules for the local advisory poll to be held by Wyre Forest District Council on Thursday 7 May 2015.
2. Definitions	<p>“The council” means Wyre Forest District Council.</p> <p>“The counting officer” means the person who for the time being is the returning officer at elections of councillors for the district of Wyre Forest under section 35 of the Representation of the People Act 1983.</p> <p>“Electors” means the local government electors who, in accordance with section 2 of the Representation of the People Act 1983, are entitled to vote in ordinary elections of councillors in Kidderminster.</p> <p>“Kidderminster” means the wards of Broadwaters, Greenhill, Offmore and Comberton, Aggborough and Spennells, Oldington and Foley Park, Sutton Park, Habberley and Blakebrook and Franche, which are to be replaced by the wards set out in The Wyre Forest (Electoral Changes) Order 2015.</p> <p>“The poll” means the local advisory poll to be held on 7 May 2015, under section 116 of the Local Government Act 2003, pursuant to a resolution of Wyre Forest District Council dated</p>

	<p>26 March 2014.</p> <p>“The question” means the question specified in rule 3.</p>
3. Question to be asked	The question to be asked in the poll shall be: “Should Kidderminster have a town council?”
4. Publicity	<p>The counting officer shall issue publicity, in a form to be approved by resolution of a meeting of Wyre Forest District Council, giving information to electors about the poll, the question to be asked, how and when electors may cast their ballot in the poll and other information that will assist electors in understanding the issues to which the question relates.</p> <p>The publicity issued under this provision shall be issued to electors in paper format or made available on the council’s website not later than 10 April 2015.</p> <p>The publicity issued in paper format may be a summary of the publicity made available on the council’s website but shall contain information on how the publicity on the website can be viewed.</p>
5. Restriction on publication of promotional material	<p>The council shall not publish material putting arguments for or against a particular answer to the question.</p> <p>This rule shall not prevent the publication of press notices containing factual information where the sole purpose of the publication is to refute or correct any inaccuracy in material published by a person other than the local authority.</p>
6. Duties of the counting officer	<p>It is the general duty of the counting officer to do all such acts and things as may be necessary for effectually conducting the poll in the manner provided by these rules.</p> <p>The counting officer must appoint and pay such persons as may be necessary for conducting the poll, including the counting of votes.</p> <p>The costs incurred by the counting officer in conducting the poll shall be met by the council.</p>
7. Date of the poll and provisions arising from the poll being held on the same day as elections	<p>The poll shall be held on Thursday 7 May 2015 between the hours of 7am and 10pm.</p> <p>The poll shall not be combined with the ordinary elections of councillors or the parliamentary general election.</p> <p>The poll shall be held in the same polling stations as are used for the ordinary election of councillors or the parliamentary general election. However, the poll shall be conducted by:</p> <ul style="list-style-type: none"> <li>- The marking of a separate electoral register at polling</li> </ul>

	<p>stations to record the issue of ballot papers;</p> <ul style="list-style-type: none"> <li>- Using separate ballot boxes at the polling stations for the votes cast in the poll;</li> <li>- The issuing of separate postal voting packs for electors voting by post;</li> <li>- The issuing of separate notices, letters and other documents to electors or their proxies in respect of the poll (except that no poll card shall be issued in respect of the poll).</li> </ul>
8. Postal votes and proxy votes	Where a person applies under Schedule 4 to the Representation of the People Act 2000 to vote by post, or to vote by proxy, in the ordinary elections of councillors on 7 May 2015, that person is to be treated as applying also to vote by post, or to vote by proxy, in the poll.
9. Arrangements for sealing and opening of ballot boxes for the poll (polling stations)	<p>The ballot box for the poll shall be sealed at the start of the poll by the presiding officer at a polling station.</p> <p>The ballot box for the poll shall be opened at the count for the ordinary elections of councillors or the parliamentary general election held on 7 May 2015 solely for the purpose of establishing whether any ballot papers for those elections have inadvertently been placed in the ballot box for the poll.</p> <p>If any such ballot papers for the elections are found, they shall be removed and transferred to the count for those elections whereupon the ballot box for the poll shall be resealed and kept under safe custody by the counting officer until the verification and count for the poll.</p>
10. Verification and count	<p>The counting officer shall verify and count the votes cast in the poll at a location in Kidderminster, starting not later than 12 noon on Monday 11 May 2015.</p> <p>At the end of the count, the counting officer shall declare the results of the poll, giving:</p> <ul style="list-style-type: none"> <li>(a) The number of ballot papers counted;</li> <li>(b) The total number of votes cast in favour of the question (“yes”);</li> <li>(c) the total number of votes cast against the question (“no”);</li> <li>(d) the number of rejected ballot papers under each heading shown in a statement of rejected ballot papers.</li> </ul>
11. Advertisements	The Town and Country Planning (Control of Advertisements) Regulations 1992 have effect in relation to the display on any site in a voting area of an advertisement relating specifically to the poll as they have effect in relation to the display of an advertisement relating specifically to a local government

	election.
12. Other rules governing the poll	<p>The counting officer shall draw up and publish not later than 31 January 2015 other rules for the poll, and the Council hereby delegates to the counting officer its powers under section 116 of the Local Government Act 2003 to set those other rules.</p> <p>The other rules shall be based on the rules set out in Schedule 3 to the Local Authorities (Conduct of Referendums) (England) Regulations 2012 No. 323, with such amendments, omissions and modifications for the poll that are consistent with the foregoing provisions of these rules and are considered by the counting officer to be appropriate for the poll.</p>
13. Preamble to the “other rules”	This and the following rules are the “other rules” drawn up by the Counting Officer in accordance with rule 12 and published on 30 January 2015.
14. Interpretation	<p>(1) In these rules “voter” means a person entitled to vote on his or her own behalf.</p> <p>(2) Other expressions used both in these rules and in the Representation of the People Act 1983 (as it applies to local government elections) have the same meaning in these rules as they have in that Act.</p>
15. Poll to be taken by ballot and the ballot papers	<p>(1) The votes at the poll must be given by ballot.</p> <p>(2) The ballot of every person entitled to vote at the poll must consist of a ballot paper.</p> <p>(3) Every ballot paper to be used in the poll must be in the form set out in the Appendix or a form to like effect.</p> <p>(4) Every ballot paper must—</p> <p>(a) be capable of being folded up; and</p> <p>(b) have a number and other unique identifying mark printed on the back.</p>
16. The official mark	(1) Every ballot paper must contain an appropriate security marking (the official mark).
17. Notice of poll	<p>(1) Not later than 30 April 2015, the counting officer must publish notice of the poll stating —</p> <p>(a) the day and hours fixed for the poll;</p> <p>(b) the question to be asked in the poll;</p> <p>(c) the situation of each polling station; and</p> <p>(d) the description of persons entitled to vote there.</p>
18. Postal ballot papers	<p>(1) The counting officer must issue to those entitled to vote by post in accordance with rule 8 a ballot paper and a postal voting statement, together with envelopes for their return.</p> <p>(2) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the voter</p>

	<p>or proxy.</p> <p>(3) In the case of a ballot paper issued to a person at an address in the United Kingdom, the counting officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter or proxy.</p>
19. Appointment of presiding officers and polling clerks	<p>(1) The presiding officer and clerk(s) appointed for each polling station which is used for the ordinary election of councillors or the parliamentary general election shall be appointed by the counting officer to act also in respect of the poll.</p> <p>(2) A presiding officer may do, by the clerks appointed to assist him or her, any act (including the asking of questions) which he or she is required or authorised by these rules to do at a polling station.</p>
20. Equipment of polling stations	<p>(1) The counting officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the counting officer's opinion may be necessary.</p> <p>(2) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.</p> <p>(3) The counting officer must provide each polling station with—</p> <p>(a) materials to enable voters and proxies to mark the ballot papers;</p> <p>(b) copies of the register of electors for the voting area or such part of it as contains the names of the voters allotted to the station.</p> <p>(4) The counting officer must also provide each polling station with—</p> <p>(a) at least one large version of the ballot paper which must be displayed inside the polling station for the assistance of voters and proxies who are partially sighted; and</p> <p>(b) a device for enabling voters and proxies who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion.</p>
21. Appointment of counting observers	<p>(1) The counting officer must appoint persons to observe the counting of the votes and the verification of the ballot paper account (“counting observers”).</p> <p>(2) Where by these rules any act or thing is required or authorised to be done in the presence of the counting observers, the non-attendance of any such person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.</p>
22. Return of postal ballot	<p>(1) Where—</p> <p>(a) a postal vote has been returned in respect of a person who</p>

papers	is entered on the postal voters list for the poll; or (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list for the poll, the counting officer must mark the list.
23. Admission to polling station	(1) The presiding officer must exclude all persons from the polling station for the poll except— (a) voters and proxies; (b) persons under the age of 18 who accompany voters and proxies to the polling station; (c) the clerks appointed to attend at the polling station; (d) the constables on duty; and (e) the companions of voters and proxies with disabilities; (2) The presiding officer must regulate the total number of voters, proxies and persons under the age of 18 who accompany them to be admitted to the polling station at the same time. (3) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees).
24. Sealing of ballot boxes	Immediately before the commencement of the poll, the presiding officer must show the ballot box for the poll empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and must then lock it up, if it has a lock and (in any case) place his or her seal on it in such a manner as to prevent its being opened without breaking the seal and must place it in his or her view for the receipt of ballot papers, and keep it so locked and sealed or sealed (as the case may be).
25. Voting procedure etc.	At the poll, the same procedures as are used for an ordinary election of councillors shall be used for: (a) voting, including delivery of ballot papers and marking of ballot papers by voters; (b) marking of votes by the presiding officer; (c) voting by persons with disabilities; (d) spoiled ballot papers; and (e) correction of errors on day of poll; except that separate registers and lists shall be kept in respect of these matters for the poll.
26. Adjournment of poll in case of riot	(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must forthwith give notice to the counting officer. (2) Where the poll is adjourned at any polling station— (a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and (b) references in these rules to the close of the poll shall be construed accordingly.

<p>27. Procedure on close of poll</p>	<p>(1) As soon as practicable after the close of the poll, the presiding officer must make up into separate packets, sealed with his or her own seal-</p> <ul style="list-style-type: none"> <li>(a) each ballot box for the poll in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached;</li> <li>(b) the unused and spoilt ballot papers placed together;</li> <li>(c) the marked copies of the register of electors and of the list of proxies;</li> <li>(e) the list of voters and proxies with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters and proxies whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained in respect of correction of errors on day of poll, and the declarations made by the companions of voters and proxies with disabilities,</li> </ul> <p>and must deliver the packets or cause them to be delivered to the counting officer to be taken charge of by that person; but if the packets are not delivered by the presiding officer personally to the counting officer, the arrangements for their delivery shall require the counting officer's approval.</p> <p>(2) The marked copies of the register of electors and of the list of proxies must be in one packet.</p> <p>(3) The packets must be accompanied by a statement (in these rules referred to as “the ballot paper account for the poll”) made by the presiding officer showing the number of ballot papers entrusted to him or her, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.</p>
<p>28. Attendance at verification and count</p>	<p>(1) No person other than—</p> <ul style="list-style-type: none"> <li>(a) the counting officer and his staff;</li> <li>(b) the counting observers;</li> </ul> <p>may be present at the verification and count of the votes in accordance with rule 10, unless permitted by the counting officer to attend.</p> <p>(2) A person not entitled to attend at the counting of the votes shall not be permitted to do so by the counting officer unless he is satisfied that the efficient counting of the votes will not be impeded.</p> <p>(3) The counting officer must give the counting observers all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.</p> <p>(4) In particular, where the votes are counted by sorting the ballot papers according to the answer for which the vote is given and then counting the number of ballot papers for each answer, the counting observers shall be entitled to satisfy</p>

	<p>themselves that the ballot papers are correctly sorted.</p>
<p>29. The count</p>	<p>(1) At the count under rule 10, the counting officer must—</p> <p>(a) in the presence of the counting observers re-open each ballot box and count and record the number of ballot papers in it;</p> <p>(b) in the presence of the counting observers verify each ballot paper account; and</p> <p>(c) count such of the postal ballot papers as have been duly returned and record the number counted.</p> <p>(2) A postal ballot paper must not be taken to be duly returned unless—</p> <p>(a) it is returned in the manner set out in paragraph (3) and reaches the counting officer or any polling station in Kidderminster before the close of the poll;</p> <p>(b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (3) and reaches the counting officer or such a polling station before that time;</p> <p>(c) the postal voting statement also states the date of birth of a voter or proxy; and</p> <p>(d) the counting officer (having taken appropriate steps) verifies the date of birth and signature of a voter or proxy.</p> <p>(3) The manner in which any postal ballot paper or postal voting statement may be returned—</p> <p>(a) to the counting officer, is by hand or by post;</p> <p>(b) to a polling station, is by hand.</p> <p>(4) The counting officer, while counting and recording the number of ballot papers and counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.</p> <p>(5) The counting officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers) and must draw up a statement as to the result of the verification, which any counting observer may copy.</p> <p>(6) The counting officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment.</p>
<p>30. Rejected ballot papers</p>	<p>(1) Any ballot paper—</p> <p>(a) which does not bear the official mark; or</p> <p>(b) on which votes are given for more than one answer; or</p> <p>(c) on which anything is written or marked by which the voter or proxy can be identified except the printed number and other unique identifying mark on the back; or</p> <p>(d) which is unmarked or void for uncertainty,</p> <p>shall, subject to paragraph (2), be void and not counted.</p>

	<p>(2) A ballot paper on which the vote is marked—</p> <p>(a) elsewhere than in the proper place; or</p> <p>(b) otherwise than by means of a cross; or</p> <p>(c) by more than one mark,</p> <p>shall not for such reason be deemed to be void if an intention that the vote shall be for one or the other of the answers clearly appears, and the way the paper is marked does not itself identify the voter or proxy and it is not shown that he or she can be identified by it.</p> <p>(3) The counting officer must endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words “rejection objected to” if any objection is made by a counting observer to the counting officer's decision.</p> <p>(4) The counting officer must draw up a statement showing the number of ballot papers rejected under the several heads of—</p> <p>(a) want of official mark;</p> <p>(b) voting for more than one answer;</p> <p>(c) writing or mark by which the voter or proxy could be identified;</p> <p>(d) unmarked or void for uncertainty.</p>
31. Decisions on ballot papers	The decision of the counting officer on any question arising in respect of a ballot paper shall be final.
32. Declaration of result	<p>When the result of the poll has been ascertained, the counting officer must forthwith—</p> <p>(a) declare the result of the poll;</p> <p>(b) inform the Solicitor to the Council of Wyre Forest District Council of the result of the poll;</p> <p>(c) give public notice of—</p> <p>(i) the result of the poll;</p> <p>(ii) the number of ballot papers counted;</p> <p>(iii) the total number of votes cast for each answer; and</p> <p>(iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.</p>
33. Sealing up of ballot papers	<p>(1) On the completion of the counting for the poll the counting officer must seal up in separate packets the counted and rejected ballot papers.</p> <p>(2) The counting officer must not open the sealed packets of marked copies of the register of electors and lists of proxies.</p>
34. Retention of documents by electoral registration officer	<p>(1) The counting officer, in his role as electoral registration officer for Wyre Forest District Council, shall retain the following documents for a period of one year after the poll and then must cause them to be destroyed:</p> <p>(a) the packets of ballot papers in the counting officer's possession;</p> <p>(b) the ballot paper accounts for the poll and the statements of</p>

	<p>rejected ballot papers and of the result of the verification of the ballot paper accounts;</p> <p>(c) the lists of voters and proxies with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists in respect of corrections on the day of the poll, and the declarations made by the companions of voters and proxies with disabilities; and</p> <p>(d) the packets containing marked copies of registers and of the postal voters list, of the lists of proxies and of the proxy postal voters list, endorsing on each packet a description of its contents, the date of the poll to which it relates and "Wyre Forest District Council".</p>
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**Appendix of forms**

Ballot paper (rule 15)

Front of ballot paper

Vote only **once** by marking a cross (**X**) in the box next to your choice

Yes

Should Kidderminster have a Town Council?

No

Back of ballot paper

Ballot paper number

Other unique identifying mark

Local advisory poll on 7 May 2015, Wyre Forest District Council