

Combined authority mayoral election in Greater Manchester

Guidance for candidates and agents

Part 1b of 6 – Can you stand for election?

September 2018

This document applies to a combined authority mayoral election in Greater Manchester. It does not apply to any other mayoral election or to district, borough, county, county borough or unitary authority elections, parish or community council elections or elections to the Greater London Authority. Our guidance and resources for other elections can be accessed from our website at: <http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents>.

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Essential information

This section of the document contains our guidance on whether or not you can stand for election at the combined authority mayoral election in Greater Manchester.

We have produced this document, separately from [part 1a](#), because the combined authority mayor in Greater Manchester will also take on the functions of a Police and Crime Commissioner and, as a result, the disqualifications that apply to candidates at this election are different to the disqualifications at other combined authority mayoral elections in England.

Supplementary information, which may only be relevant to some candidates in Greater Manchester, is provided at the back of this document. You can view this supplementary guidance by clicking on the links within this document or by clicking on the chapter heading on the contents page.

In this document, we use 'you' to refer to the candidate. We use 'must' when we refer to a specific requirement. We use 'should' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

Deadlines mentioned in this document are generic and we have published a [generic election timetable on our website](#). If an election is called, you will be able to obtain a copy of the specific timetable for that election from the Combined Authority Returning Officer.

We are here to help, so please contact us if you have any questions. See our [Overview document](#) for contact details.

This document also does not cover [local authority mayoral elections](#) or elections for the [Mayor of London](#).

You can access guidance for those elections through our website.

Revised data protection legislation applies from 25 May 2018 and will apply to the processing of all personal data.

Please contact the [Information Commissioner's Office](#) for further information about how the General Data Protection Regulation affects you.

Qualifications for standing for election

To be able to stand as a candidate at a combined authority mayoral election in Greater Manchester, you must be:

- at least 18 years old on the day of your nomination¹
- a British citizen, an [eligible Commonwealth citizen](#) or a citizen of any [member state of the European Union](#)², and
- meet at least one of the following four qualifications:
 - a. You are, and will continue to be, registered as a local government elector within the Greater Manchester combined authority area from the day of your nomination onwards. See paragraph [1.10](#) for further information.³
 - b. You have occupied as owner or tenant any land or other premises within the Greater Manchester combined authority area during the whole of the 12 months before the day of your nomination and the day of election. For more details, see paragraph [1.11](#).⁴
 - c. Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been within the Greater Manchester combined authority area. More information is provided in paragraph [1.18](#).⁵
 - d. You have lived within the Greater Manchester combined authority area during the whole of the 12 months before the day of your nomination and the day of election. See paragraph [1.19](#) for further details.⁶

An **eligible** Commonwealth citizen is a Commonwealth citizen who either:

- does not need leave to enter or remain in the United Kingdom, or
- has indefinite leave to remain in the United Kingdom

Disqualifications

Apart from meeting the qualifications for standing for election, you must also not be disqualified.

The full range of disqualifications is complex and if you are in any doubt about whether you are disqualified, you must do everything you can to check that you are not disqualified before submitting your nomination papers.

You must be sure that you are not disqualified as you will be asked to sign one of the required nomination papers to confirm that you are not disqualified.

It is a criminal offence to make a false statement on your nomination papers as to your qualification for being elected, so if you are in any doubt you should contact your employer, consult the legislation or, if necessary, take your own independent legal advice.

The Combined Authority Returning Officer will not be able to confirm whether or not you are disqualified.

A constituent council means a county council that is wholly or partly within the combined authority area, or a district council that is within the combined authority area.

You cannot stand for election if on the day of your nomination and on polling day:

- a. You **work for the combined authority, a constituent council or a parish wholly or partly included in the Greater Manchester combined authority area.**

You will be disqualified if you are employed by or on behalf of the combined authority or a constituent council, hold a paid office under the combined authority or a constituent council, are employed in an organisation that is under the control of a constituent council, or work for a parish council in the combined authority area.

Note that you may be 'employed by or on behalf of the combined authority or a constituent council' if, for example, you work at certain schools, fire services or health services. This list is not exhaustive. For further information, see paragraphs **1.21** to **1.28**.^{7 8}

- b. You hold a **politically restricted post**.⁹ For further details, see paragraphs **1.29** to **1.31**.

Legislation is published by the National Archives. Legislation, including the House of Commons Disqualification Act 1975, can be accessed on www.legislation.gov.uk

However, the legislation on the website may not always reflect the legislation as it currently stands – for example, at the time of writing, there are outstanding changes to the House of Commons Disqualification Act 1975, which have not yet been reflected in the version on the website.

If you are in any doubt, you should seek your own independent legal advice. If in doubt, seek your own independent legal advice.

- c. You are the subject of a **bankruptcy restrictions order or interim order**.¹⁰ For more information, see paragraph **1.32**.
- d. You have ever been **convicted of an imprisonable offence**. This disqualification applies even if you were not actually imprisoned for that offence, or the conviction has been spent.¹¹
- e. You have been **disqualified under the Representation of the People Act 1983** (which covers corrupt or illegal electoral practices and offences relating to donations). The disqualification for an illegal practice begins from the date a person has been reported guilty by an election court or convicted and lasts for three years. The disqualification for a corrupt practice begins from the date a person has been reported guilty by an election court or convicted and lasts for five years.¹²
- f. You have been **nominated as a candidate** at a Police and Crime Commissioner election taking place on the same day **for a police area that is not part of Greater Manchester**.¹³
- g. You are a **Police and Crime Commissioner** for any police area that is not part of Greater Manchester.¹⁴
- h. You are a **police officer or are directly or indirectly employed by the police**. For further information, see paragraphs **1.34** to **1.38**.¹⁵
- i. You are disqualified under certain provisions of the House of Commons Disqualification Act 1975, (as amended), if you are a **civil servant**, a **member of the armed forces** or hold any **judicial office** specified in Part 1 of Schedule 1 of the House of Commons Disqualification Act 1975 (as amended).¹⁶
- j. You are a member of the **legislature of any country or territory outside the UK**.¹⁷

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A person may also be disqualified from election if they have been disqualified from standing for election to a local authority following a decision of the First-tier Tribunal (formerly the Adjudication Panel for England) or the Adjudication Panel for Wales.

Members of Parliaments and Assemblies

Members of the House of Commons, the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly or the European Parliament may stand for election at a combined authority mayoral election in Greater Manchester. However, if they are elected they must resign their parliamentary/assembly seat before taking up the post of combined authority mayor¹⁸.

If you are successfully elected as the combined authority mayor of Greater Manchester and you subsequently become a member of the House of Commons, the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly or the European Parliament, you are automatically disqualified from holding office as a combined authority mayor and the office of combined authority mayor would become vacant.¹⁹

Members of the House of Lords are not disqualified from standing or being a combined authority mayor.

I am a councillor at a constituent council – can I stand?

A person cannot sit as both a combined authority mayor and a local councillor of a constituent council²⁰. If they are already an elected councillor and are subsequently elected as mayor, their office as councillor will become vacant²¹. Equally, if someone stands as a candidate at the same time in both contests and is elected to both offices, their election as councillor will be disregarded and the office of councillor will be deemed to be vacant.

A constituent council means a county council that is wholly or partly within the combined authority area, or a district council that is within the combined authority area.

Supplementary information

The qualifications

When completing your consent to nomination form you will be asked to indicate which qualifications you meet. You should indicate on the form all those qualifications that apply to you.

a. Being a registered local government elector

To be able to use this qualification, your name must appear on one of the registers of local government electors within the combined authority area you wish to stand in at the time of your nomination and throughout your term of office should you be elected. Unlike the other qualifications that must only be satisfied on the day of your nomination and on polling day, this is an ongoing qualification. We therefore recommend that if you meet any of the other qualifications as well, you also indicate this on your [consent to nomination](#), which is one of the required nomination papers.²²

b. Occupying as owner or tenant any land or other premises within the combined authority area

To be able to use this qualification, you must have occupied as owner or tenant any land or other premises within the combined authority area during the whole of the 12 months before the day of your nomination and before polling day.²³ You must occupy 'land or other premises' to meet this qualification. The inclusion of the words 'other premises' can be taken as something other than land (i.e. some form of structure). Because 'land' and 'other premises' are alternatives it is, in theory, possible for a person to meet this qualification

by occupying land only. There are some structures that might, arguably, fall outside the term 'premises' (e.g. a tent, caravan, house boat or mobile home). However, a person occupying such a structure need only establish occupancy of the land on which, for example their tent, is located.

If the land or premises crosses a combined authority boundary, you are still eligible to stand in the combined authority. If two combined authorities are adjacent to each other and the land or premises is included in both areas, the land/premises is in the area with respect to both combined authorities.

You must also occupy the land or other premises as an 'owner' or 'tenant'. Ownership may be established by showing title to the land or premises in question. Tenancy is established by showing a lease over the land. In a number of circumstances, a lease will survive even though it has expired and the parties have failed to sign a new lease, and the tenancy survives through tacit agreement between the parties. Therefore, there may be circumstances in which a person's tenancy of land or premises might need to be established by evidence other than a current lease.

You must also have 'occupied' the land or premises. Therefore, in addition to establishing legal ownership or legal tenancy, you must establish that you have actually occupied the land or premises. This is a question of fact in each case. The interpretation of the term 'occupy' in other legal contexts suggests that it is not necessary for a person to be personally resident on the land or premises (which may in any event be covered by the qualification of 'lived in the combined authority area').

However, it does require something to be actually done on the land or premises – an empty unlocked house cannot be described as 'occupied', for example. It also requires a sufficient degree of control to prevent others from interfering with the land or premises. If you have sub-let all of your land or premises to another person, this will point against you having 'occupied' it yourself.

Finally, you must have occupied the land or premises 'during the whole of the twelve months preceding' the day on which you are nominated and polling day. Whether an absence will prevent you from claiming that you have occupied the land or premises for the preceding year should be worked out by taking into account all other factors: for instance, whether you

have allowed others to occupy the land or premises in your absence, and the reason for your absence.

c. Your main or only place of work is in the combined authority area

To be able to use this qualification, your main or only place of work must have been within the combined authority area during the 12 months prior to your nomination and prior to polling day itself. You do not have to be in paid employment to qualify, as long as you satisfy the requirement of your main or only place of work being within the combined authority area. Councillors whose main or only job is being a councillor would be able to use this qualification, provided that their place of work is within the combined authority area.²⁴

d. Living in the combined authority area

To be able to use this qualification, you are not required to have lived at the same address for the whole of the 12 months before the day on which you are nominated, but you must have lived in the same combined authority area during the whole of those 12 months.²⁵

If in the last 12 months you have lived at more than one address in the combined authority area, you should list on your [consent to nomination](#), which is one of the required nomination papers, all of the addresses at which you have lived during that period. This qualification also requires you to live in the combined authority area from the date of nomination to polling day.

Further information on certain disqualifications

[Working for the combined authority, a constituent council or a parish council](#)

As a general rule, if you work in the local public sector, you should seek advice from your employer's HR department to help you establish whether the disqualification would apply to you. Sometimes employment relationships can be complex and if this is the case for you, we recommend that you seek your own legal advice.

The employment disqualification applies on both the date of your nomination and on polling day. If you are employed or hold a paid office that would disqualify you from standing, you must resign and have served any notice period before the date of your nomination to avoid having a contract of employment with the combined authority or council at that time.

Employed by the combined authority or a constituent council

You are disqualified from standing as a candidate at a combined authority mayoral election if you hold any paid office or employment, where appointments or elections to it are or may be made by or on behalf of the combined authority or any of the constituent councils. This would be the case where your appointment:²⁶

- has been made by the combined authority or any of the constituent councils
- may be made by the combined authority or any of the constituent councils
- has been made on behalf of the combined authority or any of the constituent councils (e.g. by a committee or sub committee which has been given the power by the combined authority or any of the constituent councils to make such an appointment)
- may be made on behalf of the combined authority or any of the constituent councils (e.g. by a committee or sub-committee which has been given the power by the combined authority or any of the constituent councils to make such an appointment)

A constituent council means a county council that is wholly or partly within the combined authority area, or a district council that is within the combined authority area.

However, this disqualification does not apply to the office of mayor or deputy mayor of the combined authority or a constituent council.

If you are a teacher (or are a non-teaching member of staff) employed by a constituent council, or where the appointment could be made by or on behalf of a constituent council, you will be disqualified from standing for election as combined authority mayor²⁷.

Indirectly working for a constituent council within Greater Manchester

You will be disqualified from standing if you are indirectly employed by a district council within the combined authority area or a by a county council that falls either wholly or partly within the combined authority area in which you are standing. This means that if you are a member of staff of or work for an organisation which is under the control of either of these types of councils, you will be disqualified. You may be employed by an organisation that is under the control of a local council, for example, if you work for certain fire services or health services.

Working for a parish council within Greater Manchester

In addition to the above, you are also disqualified if you are employed by a parish council within Greater Manchester. However, you will be able to stand for election if you are employed in an organisation that is simply under the control of a parish or community council, without being directly employed by the parish council.

Politically restricted posts

If you are an employee of a local authority anywhere in Great Britain you must check that you do not hold a politically restricted post. If you hold a politically restricted post, you are disqualified from standing for election to any combined authority in England.

The posts that are politically restricted are:²⁸

- the Head of the Paid Service
- the statutory chief officers (the chief finance officer, chief education officer, chief officer at certain fire brigades or the director of social services)
- non-statutory chief officers (including a person who, as respects all or most of the duties of their post, is required to report directly or is directly responsible to the local authority or any committee or sub-committee of the authority or the head of the authority's paid service)

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- deputy chief officers (a person who, as respects all or most of the duties of their post, is required to report directly or is directly accountable to one or more of the chief officers)
- the monitoring officer
- officers exercising delegated powers
- assistants to political groups
- a sensitive post which meets one or both of the following duties-related criteria:
 - giving advice on a regular basis to the authority (including committees, sub-committees and joint committees on which the authority is represented)
 - speaking on behalf of the authority on a regular basis to journalists or broadcasters

You should check with the HR department of your employer if you are not sure whether you hold a politically restricted post.

Bankruptcy restrictions or interim order

Bankruptcy in itself is not a disqualification. If you have been adjudged bankrupt by a court in England, Wales or Northern Ireland, you are not disqualified on that basis. However, you are disqualified if you are currently subject to any of the following:

- an interim bankruptcy restrictions order
- a bankruptcy restrictions order
- an interim debt relief restrictions order
- a debt relief restrictions order made by a court in England or Wales.²⁹ If the order was made in Northern Ireland, you should take your own legal advice since the law in this area is complex.

Working for the police

You are disqualified from standing as a candidate if you are a police officer or are otherwise employed by the police. This disqualification applies to³⁰:

- members of police forces (including special constables) in the UK, including the Metropolitan police and the City of London police
- members of the British Transport Police Force (including special constables)
- members of the Civil Nuclear Constabulary

You are also disqualified from standing if you are:³¹

- a member of staff (excluding a deputy mayor for policing and crime) of a Police and Crime Commissioner³²
- a member of staff of the London Mayor's Office for Policing and Crime
- the Mayor of London
- a member of the Common Council of the City of London or a member of staff of that Council in its capacity as a police authority

You are also disqualified from standing at the combined authority mayoral election in Greater Manchester if you are a member of, or a member of staff of, or hold any employment in an organisation which is under the control of³³:

- the British Transport Police Authority
- the Civil Nuclear Police Authority
- the Independent Police Complaints Commission
- the National Crime Agency

You are also disqualified if you are employed in an organisation which is under the control of a local policing body, the chief officer of police for a police force in any police area or the City of London, or the chief officer of police of the British Transport Police Force or the Civil Nuclear Constabulary³⁴. The disqualification of working for the police applies on both the date of your nomination and on polling day. If you were employed by the police, you must have resigned and served any notice period before the date of your nomination to avoid having a contract of employment with the police at that time³⁵.

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- ¹ Paragraph 8(1)(a) Schedule 5B Local Democracy, Economic Development and Construction Act 2009 (LDA 2009).
- ² Paragraph 8(1)(b) Schedule 5B LDA 2009.
- ³ Paragraph 8(2)(a) Schedule 5B LDA 2009.
- ⁴ Paragraph 8(2)(b)(i) Schedule 5B LDA 2009.
- ⁵ Paragraph 8(2)(b)(ii) Schedule 5B LDA 2009.
- ⁶ Paragraph 8(2)(b)(iii) Schedule 5B LDA 2009.
- ⁷ Paragraph 9(1)(a) Schedule 5B LDA 2009.
- ⁸ Paragraph 9(1)(a) Schedule 5B LDA 2009 and Section 66(5) Police Reform and Social Responsibility Act 2011 (PRSR 2011) as applied by article 3 of the Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (“Greater Manchester CAM Transfer of PCC Functions Order 2017”).
- ⁹ Section 67 PRSR 2011 and section 1 and 2 of the Local Government Housing Act 1989 (LGHA 1989).
- ¹⁰ Section 66(3)(a) PRSR 2011 as applied by article 3 of the Greater Manchester CAM Transfer of PCC Functions Order 2017.
- ¹¹ Section 66(3)(c) PRSR 2011 as applied by article 3 of the Greater Manchester CAM Transfer of PCC Functions Order 2017.
- ¹² Section 66(3)(d) PRSR 2011 as applied by article 3 of the Greater Manchester CAM Transfer of PCC Functions Order 2017.
- ¹³ Section 64(3) PRSR 2011 as amended by paragraph 29 Schedule 1 of the Greater Manchester CAM Transfer of PCC Functions Order 2017.
- ¹⁴ Section 64(4)(a) PRSR 2011 as amended by paragraph 29 Schedule 1 of the Greater Manchester CAM Transfer of PCC Functions Order 2017.
- ¹⁵ Section 65 PRSR 2011 as applied by article 3 of the Greater Manchester CAM Transfer of PCC Functions Order 2017.
- ¹⁶ Section 66(2)(a) PRSR 2011 as applied by article 3 of the Greater Manchester CAM Transfer of PCC Functions Order 2017.
- ¹⁷ Section 66(2)(b) PRSR 2011 as applied by article 3 of the Greater Manchester CAM Transfer of PCC Functions Order 2017.
- ¹⁸ Section 67 PRSR 2011 as applied by article 3 of the Greater Manchester CAM Transfer of PCC Functions Order 2017.
- ¹⁹ Section 67 PRSR 2011 as applied by article 3 of the Greater Manchester CAM Transfer of PCC Functions Order 2017.
- ²⁰ Paragraph 9(1)(a) Schedule 5B LDA 2009 and Section 66(5) PRSR 2011 as applied by article 3 of the Greater Manchester CAM Transfer of PCC Functions Order 2017.
- ²¹ Section 86(1)(b) of the Local Government Act 1972.
- ²² Paragraph 8(2)(a) Schedule 5B LDA 2009.
- ²³ Paragraph 8(2)(b)(i) Schedule 5B LDA 2009.
- ²⁴ Paragraph 8(2)(b)(ii) Schedule 5B LDA 2009.
- ²⁵ Paragraph 8(2)(b)(iii) Schedule 5B LDA 2009.

²⁶ Paragraph 9(1)(a) Schedule 5B LDA 2009 and section 66(5) of the PRSR 2011 as applied by article 3 of the Greater Manchester CAM Transfer of PCC Functions Order 2017.

²⁷ Section 66(9) PRSR 2011 as applied by article 3 of the Greater Manchester CAM Transfer of PCC Functions Order 2017.

²⁸ Section 67 PRSR 2011 and section 1 and 2 of the LGHA 1989.

²⁹ Paragraph 9(1)(b) Schedule 5B LDA 2009 and section 66 of the PRSR 2011.

³⁰ Paragraph 30 Sch 1 of the The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 amends section 65 of the PRSR 2001 to comply with the 2016 CAM order

³¹ Section 65 PRSR 2011 as amended by paragraph 30 Schedule 1 of the Greater Manchester CAM Transfer of PCC Functions Order 2017.

³² Para 30 of the Transfer Order 2017 states that being a member of staff for the Police and Crime Commissioner does not disqualify the deputy mayor from being elected as mayor

³³ Section 65 PRSR 2011 as amended by paragraph 30 Schedule 1 of the Greater Manchester CAM Transfer of PCC Functions Order 2017.

³⁴ Section 65 PRSR 2011 as amended by paragraph 30 Schedule 1 of the Greater Manchester CAM Transfer of PCC Functions Order 2017.

³⁵ Section 65(1) PRSR 2011 as amended by paragraph 30 Schedule 1 of the Greater Manchester CAM Transfer of PCC Functions Order 2017.