



Council Vacancies - Co-option Procedure

Preamble

This document is intended as a summary of the most relevant points of procedure and legislation rather than a definitive exposition.

Qualifications

To be able to stand as a Parish Councillor, an applicant must:

- be at least 18 years old on the day of nomination
- be a British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union
- meet at least one of the following four qualifications:
 - i) They are, and will continue to be, registered as a local government elector for the parish from the day of their application onwards.
 - ii) They have occupied as owner or tenant any land or other premises in the parish during the whole of the 12 months before the day of their application.
 - iii) Their main or only place of work during the 12 months prior to the day of their application has been in the parish.
 - iv) They have lived in the parish or within three miles of it during the whole of the 12 months before the day of their application.

Disqualifications

Apart from meeting the qualifications for standing for election, they must also not be disqualified from standing. There are certain people who are disqualified from being elected to a parish council. They cannot be elected if at the time of their application:

- i) They are employed by the parish council.
- ii) They are the subject of a bankruptcy restrictions order or interim order.
- iii) They have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before the day of their application.
- iv) They have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations) or under the Audit Commission Act 1998.

The full range of disqualifications is complex and if the applicant is in any doubt about whether they are disqualified, they must do everything they can to check that they are not disqualified before submitting an application as they will be asked to sign an

'Application for Co-option' (see appendix 3) to confirm that they are not disqualified. It is a criminal offence to make a false statement on the application as to their qualification for being elected, so if they are in any doubt they should contact their employer, consult the legislation or, if necessary, take independent legal advice. The Returning Officer will not be able to confirm whether or not they are disqualified.

Resignation

A councillor may resign at any time by written notice delivered to the Clerk to the Parish Council. The resignation must be accepted: there is no procedure for withdrawing a notice of resignation once it is made. The resignation takes effect immediately upon receipt, even if some future date has been specified in the letter of resignation.

Other causes of a vacancy

Death, failure to sign the Declaration of Acceptance of Office, and failure to attend meetings for a period of six consecutive months without prior approval of the Parish Council.

Procedure for Casual Vacancies

When a vacancy arises on the Parish Council after:

- a Councillor's resignation
- death of a Councillor
- disqualification of a Councillor
- failure of a Councillor to remain qualified,

the process to fill the vacancy is as follows:

- The Clerk must notify the Returning Officer at Buckinghamshire Council of the vacancy. Then either:
 - o The Parish Council must display a Casual Vacancy Notice (see appendix 2) informing the residents of the parish of the vacancy. The notice will run for 14 days (not counting weekends or bank holidays) from the date it is displayed on parish notice boards, and gives the residents the opportunity to call for an election to fill the vacancy during this period.
 - o Or, if the vacancy occurs within six months of the next scheduled elections for the Parish Council, there is no option to hold an election. The Parish Council may fill the vacancy by co-option.

During the period of fourteen days indicated on the notice from the date the public notice of the vacancy was displayed, ten electors from the parish can call for an election to be held to fill the vacancy. If an election is not called the Parish Council is notified by the Returning Officer and must fill the position by co-option as soon as practicable.

If seven, or fewer, valid nominations were received for the Parish Council quadrennial elections, all those validly nominated will be declared elected. If enough Councillors were elected to form a quorum (3), the Parish Council should fill any remaining vacant seats by co-option.

There is no statutory requirement to give public notice of local council vacancies which remain unfilled after an ordinary election (s.21(2) Representation of the People Act 1985). The Parish Council might at its discretion give public notice of vacancies which arise in these circumstances to encourage transparency and to attract more applicants. The co-option procedure will be as described in this document.

Co-option

Although the process for co-option is not prescribed in law it is important that all applicants be treated alike so that the arrangements are seen as open and fair. The co-option process adopted by Downley Parish Council is as follows:

(1) The Parish Council will advertise the vacancy (or vacancies) on the Parish Council noticeboards, on the website and in Downley Village News. The notices will include:

- A contact point so that people considering putting their names forward for co-option can obtain more information on the role of a parish councillor;
- The co-option process;
- The closing date for all expressions of interest;
- The date on which the Parish Council intends to make a decision.

It is permissible for Parish Councillors (or any parishioner) to approach individuals to suggest that they might wish to consider putting their names forward for co-option.

(2) The applicant will complete an 'Application for Co-option' form (see appendix 3)

(3) When an application is received, the Clerk to the Parish Council will consider the application, check that the individual meet the qualification requirements, and confirm that, if successful, they would be willing to accept the Code of Conduct and other obligations of a Parish Councillor.

(4) Applicants will be invited to submit a short submission with a brief CV providing reasons why they should be considered for the vacancy. These submissions will be circulated to Parish Councillors before the meeting at which the decision will be made.

(5) Applicants will be invited to meet with as many Councillors as possible prior to the Parish Council meeting at which the Parish Council will make its decision on the co-option. The purpose of this meeting will be to determine the applicant's suitability by reference to the Person Specification (Appendix 1) and to respond to any question which the applicant might have.

(6) Applicants will be informed of the date of the meeting at which the Parish Council will make its decision on the co-option.

Co-option meeting

Notice of the intention to co-opt should be included in the agenda for the meeting of the Parish Council either beneath a dedicated heading or within 'Councillor Vacancies' or similar. Applicants may be invited to the meeting to introduce themselves and to provide Councillors with the opportunity to ask questions of them, or the Parish Council can decide to rely on the written submissions alone.

If applicants are not invited to speak at the co-option meeting, they are welcome to, but are not required to, attend as members of the public.

There are no special reasons which justify excluding the public during a council meeting, (s.1(2) Public Bodies (Admission to Meetings) Act 1960) when it is making decisions about a matter of public interest such as co-option.

Co-option Voting Process

The person co-opted must receive a majority of the votes of those Councillors present and voting at the meeting where the co-option takes place. Where there are two or more applicants for one vacancy, this rule means that a person must get a majority of votes over all the other applicants. Thus where applicant A receives four votes, and applicants B and C receive three votes and one vote respectively, A is not elected because he has the same number of votes as B and C put together and does not have a majority over their combined votes. Where there are more than two applicants it is desirable to eliminate the applicant with the least number of votes, so that the final vote is between two applicants only.

After the Vote

- i) The Clerk will notify the applicants of the results as soon as practicable (unnecessary if they attend the meeting).
- ii) Successfully co-opted applicants become Councillors in their own right, with immediate effect having signed their Declaration of Acceptance of Office and are no different from any other member. Their term of office runs until the next quadrennial elections for the Parish Council.

Appendix 1 Downley Parish Council Parish Councillor Person Specification

COMPETENCY	ESSENTIAL	DESIRABLE
Relevant knowledge, Education, Professional Qualifications & Training	<ul style="list-style-type: none"> • Sound knowledge and understanding of local affairs and the local community. 	<ul style="list-style-type: none"> • Specific Vocational training or professional qualification (e.g. accountant, teacher, surveyor, architect).
Experience, Skills, Knowledge and Ability	<ul style="list-style-type: none"> • Solid interest in local matters. 	<ul style="list-style-type: none"> • Knowledge of HR, procurement, contract management, financial control or risk management and compliance, public relations
	<ul style="list-style-type: none"> • Ability and willingness to represent the Council and their community 	<ul style="list-style-type: none"> • Experience of working in another public body or not for profit organisation
	<ul style="list-style-type: none"> • Good interpersonal skills. 	<ul style="list-style-type: none"> • Experience of working with voluntary and or local community/ interest groups.
	<ul style="list-style-type: none"> • Ability to communicate clearly both orally and in writing 	<ul style="list-style-type: none"> • Basic knowledge of legal issues relating to town and parish councils or local authorities.
	<ul style="list-style-type: none"> • Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff 	<ul style="list-style-type: none"> • Experience of delivering presentations
	<ul style="list-style-type: none"> • Good reading and analytic skills 	<ul style="list-style-type: none"> • Experience of working with the media
	<ul style="list-style-type: none"> • Ability and willingness to work with the Parish Council's partners (e.g. voluntary groups, other parish councils, principal authority, charities) 	<ul style="list-style-type: none"> • Experience in financial control/budgeting
	<ul style="list-style-type: none"> • Ability and willingness to undertake relevant training 	<ul style="list-style-type: none"> • Experience of staff management
	<ul style="list-style-type: none"> • Ability to work under pressure 	
Other requirements	<ul style="list-style-type: none"> • Ability and willingness to attend meetings of the council (or the meetings of other local authorities and local bodies) in the evening and events in the evening and at weekends 	
	<ul style="list-style-type: none"> • Flexible 	
	<ul style="list-style-type: none"> • Enthusiastic 	

NOTICE OF VACANCY IN THE OFFICE OF COUNCILLOR

DOWNLEY PARISH COUNCIL

Local Government Act 1972- Sections 87 and 89

NOTICE IS HEREBY GIVEN that as a consequence of the resignation of Councillor [INSERT NAME] a casual vacancy has arisen in the Office of a Parish Councillor for DOWNLEY PARISH COUNCIL

In accordance with Section 89(3) of the Local Government Act 1972, where the vacancy occurs within six months before the day on which the councillor whose office is vacant would regularly have retired, an election shall not be held under Section 89(1) of the above Act, and the vacancy will be filled at the next ordinary election of councillors on 6 May 2021.

The Council may choose to fill the vacancy for the period until that election.

Dated: [INSERT DATE NOTICE IS PUBLISHED]

Signed: [INSERT PARISH CLERK NAME]

[PARISH COUNCIL ADDRESS]

Appendix 3 APPLICATION FOR CO-OPTION TO DOWNLEY PARISH COUNCIL

[_____ (1)] of [_____ (2)]

hereby apply for co-option to Downley Parish Council.

I declare that on the date of application shown at (3) below:

- I am at least 18 years old.
- I am a British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union
- I meet at least one of the following four qualifications (tick as appropriate)

a. I am registered as a local government elector for the parish of Downley in respect of the qualifying address shown at (2) above

b. I have occupied as owner or tenant any land or other premises in the parish during the whole of the 12 months before the day of this application (shown at (3) below). Show description of land or other premises below.

c. My main or only place of work during the 12 months prior to the day of this application (shown at (3) below) has been in the parish. Show address of place of work and, where appropriate, name of employer

d. have lived in the parish or within three miles of it during the whole of the 12 months before the day of this application (shown at (3) below) Show address in full if different from address shown at (2)j above

I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, section 80 of the Local Government Act 1972, section 78A of the Local Government Act 2000 or section 34 of the Localism Act 2011.

Applicant's signature

Date

(1) Insert the full name of the person making the application (2) Insert the address of the person making the application