

TILNEY ST LAWRENCE PARISH COUNCIL

CO-OPTION POLICY

This policy sets out the procedure for the co-option of a councillor to fill a vacancy on the Council.

1. In the case a vacancy arising from insufficient councillors being elected after ordinary elections then, subject to there being a quorum for meetings of the Councilⁱⁱ, the co-option process will proceed from step 7 belowⁱⁱⁱ.
2. In the case of a casual vacancy ([see appendix 1](#)) occurring within six months before the date of an ordinary election, then the Parish Council may leave the office vacant until that election^{iv}. Alternatively, it may commence the co-option process from step 7 below.
3. In the case of a casual vacancy arising other than within six months before the date of an ordinary election, the Clerk will notify the Borough Council that a vacancy exists, the reason and date of the vacancy, and the ward concerned. The Borough Council will then provide the required public notice^v ([see appendix 2](#)).
4. The Clerk will display the notice for 14 days on the Parish notice boards and on the Parish Council's website^{vi}.
5. If, within fourteen days, the Returning Officer receives a written request for an election signed by ten electors for the Ward, the Returning Officer will initiate the election process^{vii}. The costs of the election will be paid for by the Parish Council^{viii}.
6. Where a casual vacancy is not required to be filled by an election, after receiving written confirmation from the Borough Council, the Parish Council must, as soon as practicable, co-opt a person to fill the vacancy.^{ix}
7. Without recourse to the Council, the Clerk will advertise the vacancy to be filled on the Parish Council's noticeboards and website (and any other local media deemed appropriate). The advertisement will give interested parties a minimum of 14 working days to notify the Clerk that they wish to be considered for co-option.
8. The Clerk will send candidates an application form ([see appendix 3](#)), to be completed and returned to the Clerk, confirming their eligibility for the position of councillor within the statutory rules ([see appendix 4](#)).
9. If insufficient candidates come forward for co-option, the process will continue, whereby the vacancies are again advertised.
10. Following receipt of applications, the next suitable Parish Council meeting will have an agenda item 'To receive written applications for the office of Parish Councillor and to co-opt a candidate to fill the existing vacancy'. Eligible candidates will be invited to attend the meeting and sent a copy of the agenda.
11. Copies of the eligible candidates' applications will be circulated to all parish councillors by the Clerk at least 3 clear days^x prior to the meeting of the full Parish Council, when the co-option will be considered. All such documents will be treated by the Clerk and all parish councillors as strictly private and confidential.
12. If a candidate is not able to attend the co-option meeting, at the meeting councillors will decide whether they have sufficient information to make an informed decision regarding the co-option. If further information is required, the co-option may be deferred to the next Parish Council meeting.

13. At the appropriate agenda item of the co-option meeting, the Council will resolve on moving into closed session^{xi}, thereby excluding members of the press and public for the reason of undertaking the selection process, which may raise confidential matters and discuss personal attributes.
14. Separately and in turn, each candidate will be given a maximum of five minutes to present themselves to councillors. After each presentation, members may ask the candidate a few questions.
15. After the presentations have been concluded, councillors will discuss the merits of the candidates and will proceed to a vote by a show of hands^{xii}.
16. The successful candidate/s must have received an absolute majority vote of those present and voting^{xiii}. In the case of an equality of votes, the Chairman of the meeting has a second or casting vote^{xiv}. If there is more than one candidate, the candidate with the least number of votes cast will be deleted and the vote taken again until the number of candidates equals the number of vacancies.
17. After the vote has been concluded, and if in closed session, the Council will resolve to move back into open session and readmit members of the public, including the candidates.
18. The Chairman will declare the successful candidate duly elected, the successful candidate/s will sign the Declaration of Acceptance of Office^{xv} and the Council's Code of Conduct^{xvi}.
19. If not present, a co-opted candidate will sign the Declaration of Acceptance of Office and the Council's Code of Conduct either before or at the next meeting of the Parish Council^{xvii}.
20. The co-opted parish councillor will complete a Notification of Disclosable Pecuniary and Other Interests form which the Clerk will lodge with the Monitoring Officer at the Borough Council within 28 days of the co-option^{xviii}.
21. The newly appointed councillor will be provided with an induction pack. This will include the Council's Standing Orders and Financial Regulations.
22. The Clerk will notify the Borough Council of the co-option of the new parish councillor, along with the newly appointed councillor's address and contact details.

Appendix 1: Reasons for a casual vacancy and effective vacancy date

1. Failure to complete a declaration of acceptance of office within the proper time. This must be done before or at the first meeting of the Parish Council, unless the Parish Council permits otherwise. The effective date of the vacancy is the closing date for making declarations of acceptance of office.
2. When a notice of resignation has been received. A councillor may at any time resign their office by written notice delivered to the chairman of the parish council. The resignation takes effect upon receipt, and this is the effective date of the vacancy.
3. Death. The vacancy is deemed to have occurred on the date of the death.
4. Ceasing to be Qualified. This would normally only occur where a councillor had used their registration as an elector as their qualification for nomination and election and where that qualification had been lost because they had ceased to be on the register of electors. As noted above, all other qualifications continue for the full term of office. The Parish Council must declare the vacancy forthwith, and the vacancy is deemed to have occurred on the date of this declaration.
5. Becoming Disqualified. Through bankruptcy, office holding, surcharge, conviction, court order or being found guilty of corrupt or illegal practices in election law.
6. Failure to Attend Meetings. If a councillor fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Parish Council (including committees, sub-committees or as a representative of the Parish Council), they shall, unless the failure was due to some reason approved by the Parish Council before the expiry of that period, cease to be a member of the Parish Council. The effective date of the vacancy is the date declared by the Parish Council.

THE LOCAL ELECTIONS (PARISHES & COMMUNITIES)

RULES 2006 CASUAL VACANCY IN THE OFFICE OF COUNCILLOR PARISH OF TILNEY ST. LAWRENCE

(TILNEY ST. LAWRENCE/TILNEY CUM ISLINGTON WARD)

NOTICE IS HEREBY GIVEN that ONE casual vacancy has arisen in the office of Councillor for the above Ward of the above Parish. If, within 14 days of the date of this Notice (see note below) a request, in writing, that an election be held to fill the vacancy, signed by ten local government electors for the Ward is given to:

The Returning Officer
c/o Electoral Services
Borough Council of King's Lynn and West Norfolk
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX

an election will be held, and Notice of this will be published in the Parish.

If no such request is received by the Returning Officer, the Parish Council will take the necessary steps to fill the vacancy by co-option.

Signed Dated

Clerk to the Parish Council

NOTE: In computing this period, the following days are to be disregarded:

- (a) Saturdays and Sundays
- (b) Christmas Eve, Christmas Day, Good Friday or a Bank Holiday
- (c) A day appointed for public thanksgiving or mourning.

Tilney St. Lawrence Parish Councillor Application Form

Please read the document titled '**Guidance for Candidates and Agents**', published by the Electoral Commission, before completing this form.

Name:

Address:

Post Code:

Phone - daytime:

Phone – evening:

Phone – mobile:

Email address:

If you have no email address please state NONE.

Occupation:

Have you ever served on any council before?

YES / NO

Delete as applicable:

If Yes please give details:

Please state why you consider yourself to be a suitable candidate (add additional sheet if necessary):

Please give one example of something the Parish Council could be doing for the village that it currently isn't (add additional sheet if necessary):

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I have read and understand the Qualifications and Disqualifications for the office of parish councillor and confirm my eligibility.

Signature:

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Date:

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Appendix 4: Qualifications to be a Parish Councillor

A person is qualified to be elected and to be a councillor if they are a British, Commonwealth, Irish or European Union citizen and on the relevant day (that is, the day of nomination or election) they are 18 or over. In addition, the person must meet at least one of the following criteria: -

- (1) On the relevant day and thereafter they continue to be on the electoral register for the parish, or
- (2) During the whole of the twelve months before that day they have owned or tenanted land or premises in the parish, or
- (3) During the whole of the twelve months before that day their principal or only place of work has been in the parish, or
- (4) During the whole of the twelve months before that day they have resided in the parish or within three miles of it.

Except for qualification (1), these qualifications then continue for the full term of office, until the next ordinary elections.

Under Section 80 of the Local Government Act 1972, a person is disqualified from being elected as a parish councillor or being a member of the Parish Council if he/she:

- a. Holds any paid office or employment of the Parish Council (other than the office of Chairman) or of a joint committee on which the Parish Council is represented; or
- b. Is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors (but see below); or
- c. Has within five years before the day of election, or since his/her election, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine; or
- d. Is otherwise disqualified under Part III of the Representation of the People Act 1983 for corrupt or illegal practices.

This disqualification for bankruptcy ceases in the following circumstances.

- i. If the bankruptcy is annulled on the grounds that either the person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;
- ii. If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part
- iii. If the person is discharged without such a certificate.

In (i) and (ii) above, the disqualification ceases on the date of the annulment and discharge respectively. In (iii), it ceases on the expiry of five years from the date of discharge.

Legal References

- ⁱ Local Government Act 1972, Sch.12, para.12
- ⁱⁱ Representation of the People Act 1983, s.39(4)
- ⁱⁱⁱ Representation of the People Act 1985, s.21
- ^{iv} The Local Elections (Parishes and Communities) (England and Wales) Rules 2006, s.5(6)
- ^v The Local Elections (Parishes and Communities) (England and Wales) Rules 2006, Sch.4
- ^{vi} The Local Elections (Parishes and Communities) (England and Wales) Rules 2006, S.2(2)(c)
- ^{vii} The Local Elections (Parishes and Communities) (England and Wales) Rules 2006, S.3
- ^{viii} Representation of the People Act 1983 s.36(5)
- ^{ix} The Local Elections (Parishes and Communities) (England and Wales) Rules 2006. s.5(5)
- ^x Local Government Act 1972, Sch.12, paras.10(2)
- ^{xi} Public Bodies (Admission to Meetings) Act 1960 s.1 (2)
- ^{xii} Local Government Act 1972, Sch.12, para.13
- ^{xiii} Local Government Act 1972, Sch.12, para.39
- ^{xiv} Local Government Act 1972, s.15(3)
- ^{xv} The Local Elections (Declaration of Acceptance of Office) Order 2012
- ^{xvi} The Localism Act 2011, s.28
- ^{xvii} Local Government Act 1972, s.83
- ^{xviii} The Localism Act 2011, s.30