

# Radcliffe on Trent Parish Council

## Councillor Vacancy (Co-option) Policy

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### Document History

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Reviewed & Adopted –

## Introduction

Parish Councils are permitted to exercise the power to co-opt a person on to the Council to fill a casual vacancy when the requirements to hold an election have not been met. The National Association of Local Councils (NALC) recommends that Councils always advertise vacancies as well as giving the relevant statutory notices because this makes the process of co-option open and transparent and should attract more potential candidates.

## Vacancy following uncontested elections

A vacancy following an uncontested election may be filled by co-option by the parish council within 35 days of this vacancy occurring. The Council will advertise the vacancy as described below.

## Vacancy following resignation

A Councillor may resign at any time by giving written notice, addressed, and delivered to the Chairman of the Parish Council. The Chairman must accept the resignation and there is no legal procedure for withdrawing a notice of resignation once delivered and accepted. Resignation takes effect immediately upon receipt and cannot be post-dated.

## Vacancy following disqualification

Reasons for disqualification include (but not limited to) bankruptcy; being employed by or doing paid work for the Council (except as a contractor); a criminal conviction with a prison sentence of three months or more; illegal expenditure; or being found guilty of corrupt or illegal practices in election law.

## Other Causes of Vacancy

- Death;
- Failure to sign a Declaration of Acceptance of Office;
- Failure to attend meetings for a period of six consecutive months.

## Procedure for filling casual vacancies

When a vacancy arises on the Parish Council following:

- A Councillor's Resignation;
- Disqualification or Failure to remain qualified;
- Death

The process to fill the vacancy is as follows:

- a) The Parish Clerk must notify the Returning Officer at Rushcliffe Borough Council of the vacancy;

**then, either:**

- b) The Parish Council must display a notice informing the residents of the parish of the vacancy. The notice will run for 14 working days (excluding weekends and bank holidays) from the date it is displayed on Parish Council notice boards, giving the residents of the ward the opportunity to call for an election to fill the vacancy during this period. The Parish Council will also post the notice on the Parish Council website, social media and other forms of public engagement.

- c) if the vacancy occurs within six months of the next scheduled elections for the Parish Council, there is no obligation to hold an election. The Parish Council may fill the vacancy by co-option, or the seat remains vacant.

If a vacancy arises on the Parish Council following an uncontested election, the council may co-opt to the vacancy within 35 days of the new council taking office. Failure to co-opt to the vacancy may result in the Borough Council calling another election.

## Calling an Election

If during a 14 day notice period at least ten electors from the parish call for an election the Returning Officer will set a date for the election (which must be within 60 days of the date of the vacancy notice)..

If an election is called, the Clerk will display notices announcing the election and explaining how to apply to be a candidate for election. The cost of any election is borne by Radcliffe-on-Trent Parish Council (ROTPC). If there are not enough nominated candidates at the election to fill the vacancies, a further election must be called. Co-option is not an option.

## Polling cards

In the event of an election being called, the Parish Clerk will inform Rushcliffe Borough Council whether or not polling cards should be issued, the cost of which will be met by ROTPC.

## If an Election is Not Called

The Parish Council will be notified by the Returning Officer and it must fill the position by co-option as soon as practicable.

## Vacancies after Ordinary Parish Council Elections (every 4 years)

If fewer valid nominations were received for any ward within the Parish Council boundaries at the four yearly elections, all those validly nominated will be declared elected.

If enough Councillors are elected to form a quorum (6), the Parish Council should seek to fill any remaining vacant seats by co-option as soon as possible after the election date. Should it fail to fill the vacant seats within 35 working days (excluding bank holidays and weekends), or if not, enough Councillors were elected to form a quorum, Rushcliffe Borough Council may order another election.

## Co-option

Although the process for co-option is not prescribed in law, District Councils and Local Council Associations provide best practice advice and guidelines.

It is especially important that all applicants be treated alike so that the arrangements are seen as open, fair, and transparent.

The co-option process adopted by Radcliffe-on-Trent Parish Council is as follows:

- a) The Parish Council will advertise the vacancy (or vacancies) on the Parish Council noticeboards, the Parish Council website , social media and any other forms of accepted public engagement.
- b) The notices advertising the vacancies will provide:
  - a) The contact details of the Parish Clerk to enable prospective co-option candidates to obtain further information on the role of a Parish Councillor;
  - b) Details of the co-option process, namely the need to apply to be co-opted using the pro forma provided by the council;

- c) The closing date for all applications to be co-opted;
- d) The date on which the Parish Council intends to make a decision.

10.5. The Parish Council (or parishioner) can legally approach individuals to suggest that they might wish to consider putting their names forward for co-option.

- a) When the applications are received, the Parish Clerk will review all application details and carefully check that applicants meet the qualification requirements, and confirm that, if successful, their willingness to accept the Code of Conduct and other obligations of a Parish Councillor.
- b) Candidates 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 must be given in the appropriate agenda for a meeting of the Parish Council. Candidates may be invited to the meeting to introduce themselves and to provide elected members the opportunity to ask questions of them; the Parish Council retain the right to rely on written submissions alone.

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

The Parish Council may only discuss each candidate's suitability for the role under the exclusion of public and press.

## **Co-option Voting Process**

If there are equal or fewer candidates than vacancies, the Parish Council can vote on a composite motion, duly proposed and seconded, that all candidates be co-opted. Standing Orders apply to the voting process.

If there are more duly proposed and seconded candidates than seats, it will be necessary for existing Councillors present at the meeting to vote.

- a) A successful candidate should have received an absolute majority vote of those present and voting. If there are more than two candidates for one vacancy and none of them at the first count has an overall majority, the candidate with the fewest votes should be eliminated and the remainder put to the vote again. The process should be repeated as necessary until one candidate has an overall majority.
- b) Each vacancy should be filled by a separate vote or series of votes. In a small council there is a distinct possibility that there could be a tie for last place in the first round of voting, leaving the candidate for elimination to be decided by lots.

## **After the Vote**

The Parish Clerk will notify the candidates of the results by telephone and email, as soon as is reasonably possible. This is not the duty of any Elected Member.

Successfully co-opted candidates become Councillors in their own right with immediate effect and are no different to any other member. As such, they must sign a Declaration of Acceptance of Office and complete and return a Register of Interests Form at their first meeting, or within 28 calendar days of election, whichever is the sooner. Their term of office runs until the next quadrennial elections for the Parish Council.

## Appendix A - Application

# APPLICATION FORM FOR THE ROLE OF PARISH COUNCILLOR

## Radcliffe on Trent Parish Council

Full name	
Home address Inc. Postcode	
Telephone number	
Mobile number	
Email	

It is a condition of being a Parish Councillor that your name will be made public via notice boards and the parish council website. You may need to disclose your phone and email address to deal with parish council matters. Do you agree to this?	Yes / No
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### LEGAL QUALIFICATIONS FOR BEING A PARISH COUNCILLOR QUALIFICATIONS

(To qualify you must be able to answer 'Yes' to both of the questions below)

Are you a British citizen, a Commonwealth citizen or a citizen of a European Union country?	Yes / No
Are you 18 or over?	Yes / No

(To qualify you must be able to answer 'Yes' to at least one of the questions below)

Are you on the electoral register for one of the wards of Radcliffe on Trent Parish Council ?	Yes / No
Have you lived either in the parish of Radcliffe on Trent, or within three miles of its boundary, for at least a year?	Yes / No
Have you been the owner or tenant of land in the parish of Radcliffe on Trent for at least a year?	Yes / No
Have you had your only or main place of work in the parish of Radcliffe on Trent for at least a year?	Yes / No

**DISQUALIFICATIONS**

(You must be able to answer No to all of the questions below to be eligible to serve as a councillor)

Are you the subject of a bankruptcy restrictions order or interim order?	Yes / No
Have you within the last five years been convicted of an offence in the UK, the Channel Islands or the Isle of Man which resulted in a sentence of imprisonment (whether suspended or not) for a period of three months or more without the option of a fine?	Yes / No
Are you disqualified by order of a court from being a member of a local authority?	Yes / No
Are you employed by Radcliffe on Trent Parish Council, a joint committee or hold a paid office?	Yes / No
Are you subject to the notification requirements of the Sexual Offences Act 2003 or Sexual Risk Orders?	Yes / No

Please briefly outline of why you are interested in being a Parish Councillor.

Please tell us something about the life experience you will bring to the Council, for example, previous local government experience, work in the voluntary or charitable sector, business or trade union experience.

Please tell us something about the skills you feel you will bring to the Council, for example, professional qualifications, financial or project management expertise, listening and organisational skills.

Are there any questions you would like to ask the council?

Signed.....

Date: .....