

NETTLEHAM PARISH COUNCIL

Councillor Vacancies (Co-option) Policy



1. Policy Statement

Nettleham Parish Council endeavors to fill any Councillor vacancy, as they arise, and will give public notice of vacancies at the earliest opportunity.

2. The Law

- Section 87(2) of the Local Government Act 1972 requires a local council to give public notice of casual vacancies.
- 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) – although considered good practice to do so.

Candidates:

- Need to meet the criteria for eligibility, set out in Section 79 of the Local Government Act 1972 and
- Not be disqualified, as set out in S.80 of the Local Government Act 1972.

3. Eligibility

To be a Parish Councillor, a candidate must be either:

- British;
- A Commonwealth National;
- A Citizen of the Irish Republic or European Union Citizen

And

Be 18 years of age or over, and on the day of election, or nomination, fulfills one or more of the following criteria:

- I. Being on and remaining on the register of electors for the Parish or;
- II. During the whole of the twelve months preceding the nomination: - the candidate has lived in, or worked in the Parish or lived within 3 miles of the Parish boundary.

Where a candidate only fulfills criteria (I) above and then subsequently comes off the register of electors, their qualification lapses.

The other qualifications at point (II) remain valid for the four year term. Consequently, if a successful candidate leaves the parish, during the term, they are not required to resign, although it might be considered appropriate to do so

4. Disqualification

Reasons include:

- Bankruptcy where subject to a bankruptcy restriction order, an interim debt relief restrictions order, or interim debt relief restriction under section 4ZB of the Insolvency Act.
- Being employed by or doing paid work for the Council (except as a contractor),
- Having a criminal conviction with a prison sentence of three months or more (suspended or not) with the option of a fine;
- Illegal expenditure, or being found guilty of corrupt or illegal practices in election law.

5. Resignation

A Councillor may resign by giving written notice, addressed and delivered to the Chairman of the Parish Council (S.84). The Chairman must accept the resignation and there is no legal procedure for withdrawing a notice of resignation, once delivered and accepted. The Chairman gives written notice to the council, via the Clerk.

Resignation takes immediate effect upon receipt, and cannot be post-dated (to a later date).

6. Other Reasons For A Vacancy Occurring

- Death;
- Failure to sign a Declaration of Acceptance of Office;
- Failure to attend meetings (e.g. for 6 consecutive months and reason for absence not accepted)

7. Procedure for Filling Casual Vacancies

Where a vacancy arises as a result of:

- A Councillor resignation;
- Councillor disqualification or failure to remain qualified;
- Death of a Councillor.

The process to fill the vacancy is as follows:

- a) The Clerk must make arrangements to notify the Returning Officer at West Lindsey District Council of the vacancy; **Then, either:**
- b) WLDC sends the council a notice to display informing the residents about the vacancy. The notice will run for 14 days (excluding weekends and bank holidays) from the date it is displayed on the Parish Council notice boards, (and Council website, Facebook, newsletter, as appropriate) giving residents the opportunity to call for an election to fill the vacancy, during this period. **OR:**
- c) If the vacancy occurs within six months of the next scheduled elections, for the Council, there is no option to hold an election. The Parish Council may fill the vacancy by co-option or the seat remains vacant.

8. Calling A By-Election

During the 14 day period of public notice of the vacancy

- If 10 or more electors make a request, in writing, to the WLDC Returning Officer – then an election must be called (except if within 6 months of the scheduled election); **
- The Returning Officer will:
 - Within 60 days of the date of the vacancy notice, set a date for the election;
 - Arrange for display of notices announcing the election and explaining how to apply to be a candidate for election;
 - Arrange for those nominated to be elected;
 - Call a further election if there are not enough nominated candidates; Co-option is not an option.

**** NB - THE LOCAL AUTHORITIES AND POLICE AND CRIME PANELS (CORONAVIRUS) (FLEXIBILITY OF LOCAL AUTHORITY AND POLICE AND CRIME PANEL MEETINGS) (ENGLAND AND WALES) REGULATIONS 2020** came into force 4 April 2020.

- This legislation **postpones until 6 May 2021** local by-elections and other polls, either scheduled or which would otherwise arise before that date

9. Cost of Holding Elections

The District Council can require a Parish Council to pay the full cost of holding a local council election. Where an election is combined with WLDC, election costs of the combined poll may be apportioned equally between the elections. (S.36 (3B) of the Representation of the People Act 1983).

10. A By-Election Is Not Called

If this occurs, the Returning Officer will notify the Parish Council and the vacancy should be filled, by co-option as soon as practicable.

11. Vacancies After An Ordinary Parish Council Election (Every 4 Years)

Where fewer valid nominations are received, for any ward with the Parish Council boundary, at the four yearly elections, all the valid nominees will be declared elected. If following the election, enough Councillors are elected to form a quorum (a third of the total number of Councillor seats e.g. 4 Councillors), the Council should seek to fill the remaining vacant seats, by co-option as soon as possible. Should the Council fail to fill the vacant seats **within 35 days** (excluding bank holidays and weekends) or there are not enough Councillors to form a quorum, then West Lindsey District Council may order another election.

12. Co-option

The co-option process is not prescribed in law. However, examples of best practice are available from the National Association of Local Councils, County Associations and from District Councils. The Parish Council will:

- Advertise the vacancy/(ies) on their notice boards, on their website and via other publicity, as appropriate.
- Include relevant details in the advert/notice – **see Appendix 1**: e.g. Clerk contact details, the eligibility criteria, closing date for all expressions of interest, the date on which the Parish Council intends to make a decision, the ward for the vacancy/(ies),
- Candidates will be asked to complete and submit an application form - **see Appendix 2, complete and submit a skills self assessment audit form** - see **Appendix 3** and supply relevant information including: details of their background experience and their reasons for wishing to serve on the council along with any further information, they wish to give.

The Council (or parishioner) can legally approach individuals to discuss the role as a Councillor and to suggest they may wish to consider putting their names forward for co-option.

13. Co-option Application Process

- The Clerk will review all applications received and check the applicants meet the qualification requirements and have supplied reasons for applying/background;
- These details will be circulated to Elected Councillors, before the meeting at which the decision will be made.
- Candidates will be informed of the date of the meeting at which the Council will make its decision on the co-option.

14. Co-option Meeting

Notice of the intention to co-opt will be shown as an agenda item for the Parish Council meeting. Candidates may also be invited to the meeting to introduce their self and to provide an opportunity for Councillors to ask them questions. The Council also retains the right to only consider written submissions.

15. Co-option Voting Process

- Where there are fewer candidates than vacancies:
 - The Council may pass a motion, duly proposed and seconded, that all candidates be co-opted (in line with S.21 of Representation of Peoples Act 1985).
- Where there are more candidates than vacancies – **guidance is provided in Arnold Baker on Local Council Administration 10th edition pg 49 - 50:**
 - Councillors present at the meeting, will take a vote by means of a ballot;
 - Where there are 2 or more candidates for 1 vacancy and not one of them at the first count receives a majority, the candidate with the fewest votes will be excluded and the remainder put to the vote again. The process should be repeated, as necessary, until one candidate has an overall majority;
 - If two candidates poll the same number of votes, a separate vote to eliminate one of them, will be held;
 - Each vacancy should be filled by a separate vote or series of votes until the number of candidates match the number of vacancies.

16. After The Vote

- The Clerk will notify the candidates of the results by telephone and email/mail, as soon as reasonably practicable and this is not the duty of any Elected Member;
- Successful co-opted candidates become Councillors in their own right and 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;
 - Be given a copy of the Council's Code of Conduct.
- Their term of office runs until the next normal four yearly election for the Council.

17. Further Reading:

- National Association of Local Council's – Legal Topic Note 8 on 'Elections'
- Arnold-Baker on Local Council Administration – 10th Edition
- NALC – Legal Briefing L15-08 (April 2018)



The Parish Office
Scothern Road
Nettleham
Lincoln LN2 2TU
Tel: 01522 750011
Email: parishcouncil@nettleham-gov.uk
Website: www.nettleham-pc.gov.uk

VACANCY OF A NETTLEHAM PARISH COUNCILLOR

There is currently a vacancy on the Council and having been through the prescribed procedure, no election has been requested.

The vacancy will therefore be filled by the co-option process at a meeting of the Parish Council on **DAY OF WEEK, DAY, MONTH, 2020**.

Section 79(1) of the Local Government Act 1972 provides that, unless disqualified, a person is qualified to be co-opted as a local Councillor if they are over 18, a qualifying Commonwealth citizen or a Euro national on the day of their selection and **he/she**:

- a. on that day is and thereafter continues to be a local government elector for the area of the authority; **or**
- b. has during the whole of the twelve months preceding that day occupied as owner or tenant any land or other premises in that area; **or**
- c. has during the whole of those twelve months resided in that area; **or**
- d. has during the whole of those twelve months resided either in the parish or community or within three miles (4.8 kilometers) of it; **or**
- e. his/her principal or only place of work during that twelve months has been in that area.

Additional information is available by telephoning the Clerk on (01522) 750011 or by calling in person at the Parish Office or by emailing: parishcouncil@nettleham-pc.gov.uk

Should anyone wish to be considered for this vacancy they should apply, in writing to the Parish Clerk, at the above address stating: their reasons for wishing to serve on the Council along with some details about their background

BY NO LATER THAN – NOON, DAY DATE MONTH, 2020.

Signed:.....

Date: DATE, MONTH 2020

Mrs Debbie Locker
(Parish Clerk & Responsible Financial Officer)

NETTLEHAM PARISH COUNCIL (APPENDIX 2)

The Parish Office
Scothern Road
Nettleham
Lincoln LN2 2TU
Tel: 01522 750011
Email: parishcouncil@nettleham.gov.uk
Website: www.nettleham-pc.gov.uk



APPLICATION FOR COUNCILLOR CO-OPTION

Thank you for your interest in becoming a Parish Councillor. However, before I can proceed I am required, by law, to verify your eligibility for co-option. In view of this I would be grateful if you could complete and return this form, to this office by: **Noon on DAY, MONTH, 2020.**

Yours sincerely
Mrs Debbie Locker
Parish Clerk & RFO

	YOUR DETAILS – please state as requested:	INFORMATION YOU SHOULD CONSIDER WHEN COMPLETING THIS FORM
Full Name:		Your name
Address:		Your address
	Post Code:	
Tel. Number:		Landline &/or mobile number
Email address:		Your contact email address
Nationality:		A person must be a qualifying Commonwealth citizen or Euro national (relevant EU citizen)
What is your connection to Nettleham e.g. you live here		A person must either: <ul style="list-style-type: none">• Be a local government elector;• During the whole of the last 12 months have occupied as an owner or tenant of land or other premises in the Nettleham parish;• During the whole of the last 12 months resided in the Nettleham parish or within 3 miles (4.8km) of it;• During the last 12 months had their principle place of work in Nettleham.
Do you have any reason to believe that you might be disqualified from		A person may be disqualified if: <ul style="list-style-type: none">• Convicted of a criminal offence;• Subject of a bankruptcy restrictions order or interim debt relief order;

standing as a Parish Councillor?

- Employed by the Council (other than as a contractor).

Please use the following space to provide extra information in support of your application for Co-option as a Parish Councillor.

I agree to my personal information being held in paper and electronic format and for it to be shared with staff and members of the Parish Council for purposes relating to my application as a Parish Councillor.

I confirm that the information that I have provided is correct and may be used to check that I qualify for consideration as a Parish Councillor.

Signed..... Full Name:.....Date:.....

(APPENDIX 3)

Nettleham Parish Council - Councillor Skills Audit



This skills audit will help the Parish Council to understand the skills, knowledge, interests and experience that reside with the members. It will also help to identify any training needs/requests. Please complete and return to the Parish Office. Thank you.

Your Name: _____

Skill / Knowledge Levels

1	Qualification / experience at a senior level.
2	Some knowledge / experience / interest.
3	Little or no knowledge / interest
4	Information / training required.

Topics	Skill / Knowledge Levels (tick as appropriate)			
	1	2	3	4
Board / Committee Experience				
Finance, Budgetting & Financial Planning				
Management				
Leadership				
Communications				
Conflict Resolution				
Enterprise / Business Development				
Equality & Diversity				
Graphic design				
Human Resources & Training				
Information Technology				
Legal				
Local / National Government				
Marketing (incl social media/e-marketing.				
People Management				
Planning/development				
Quality Assurance Systems / Standards				
Relationship Management				
Risk Management				
Strategy Development				
Teamwork / Team Development.				
Other – please state.				

Which areas of parish council activity interest you most?

Do you currently have paid employment?

How much spare time are you able to give to the parish council per month?

Any other comments you would like to make?

Thank you

Please return your completed form to:
The Clerk, Parish Office, Scothern Road, Nettleham, Lincoln. LN2 2TU