

STANWIX RURAL PARISH COUNCIL

VACANCY AND CO-OPTION POLICY/PROCEDURE

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 transparent and fair. The co-option process adopted by Stanwix Rural Parish Council is as follows:

Casual Vacancies

A casual vacancy arises on the Parish Council after:

- a Councillor's resignation¹
- the death of a Councillor
- the disqualification of a Councillor²
- failure of a Councillor to remain qualified³

The Clerk to the Council will notify the Returning Officer at Carlisle City Council of the vacancy. Then:

- a) The Parish Council must display a "Casual Vacancy Notice" informing residents 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.
- b) 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 from the date the notice 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.

Interested Electors

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.

Any interested person will be asked to

1. Attend at least one Parish Council meeting as a member of the public to observe the workings of the Council
2. Email or post a copy of their Curriculum Vitae to the Clerk
3. Complete the Eligibility form (see appendix 1) and return to the Clerk

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:

1. They are registered as a local government elector for the parish.

2. They have occupied as owner or tenant land or other premises in the parish during the whole of the 12 months before the day of their application.
3. Their principal or only place of work during the 12 months prior to the day of their application has been in the parish.
4. 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:

- They are employed by the parish council.
- They are the subject of a bankruptcy restrictions order or interim order.
- 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.
- Is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983.

Interview

Following the applicant's attendance at a Parish Council meeting and upon receipt of their CV and eligibility form, the Clerk to the Parish Council will consider the application, check that the individual meets the qualification requirement and circulate to an appointed working group, consisting of three Parish Councillors. All documents will be treated by the Clerk and Councillors as Strictly Private and Confidential.

The applicant(s) will be invited to meet with the three Councillors prior to the Parish Council meeting at which the co-option will be considered. The purpose of this meeting will be to determine the applicant's suitability and to respond to any question which the applicant might have. This meeting may take place at a time and location convenient to all parties in advance of the meeting or may take place immediately prior to the Parish Council meeting if there is only one applicant and if deemed appropriate by the working group.

Voting

At the next available full council meeting the co-option will be considered. There are no rules regarding co-option of members and 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 although the Council will request that the actual applicant(s) step outside of the room during the vote.

Where the number of applicants exceeds the number of vacancies, a vote will be held. Voting will be according to the statutory requirements, in that, a successful candidate must have received an absolute majority vote of those present and voting.

If no single candidate receives a majority on the first vote, then the person with the lowest number of votes will be eliminated and voting will take place on the remainder. This process will continue until one person receives an absolute majority.

The first candidate to receive an absolute majority of those present and voting will be duly elected. Councillors shall vote by show of hands, or, if at least two members so request, by signed ballot. If any member so requires, the Clerk shall record the names of members who voted on any question to show whether they voted for, against, or abstained. In the case of an equality of votes, the Chairman of the meeting has a second or casting vote.

Council Wards

Stanwix Rural Parish is divided into wards, with the number of seats per ward being:

- Crosby & Linstock 4
- Houghton 8
- Pennington 1
- Vallum 1
- Wolsty 1

It is the responsibility of the Clerk to advise whether vacancies exist in each ward. When co-option is being proposed of a Councillor to a ward in which they do not reside/work, careful consideration must be given by the Council to balance the need for Councillors to fill vacant seats, against the need for the whole parish to have the opportunity to be represented. The Council will determine each case on its own merits when voting.

After the Vote

After the vote, has been concluded the Chairman declares that the successful candidate is duly elected. The Clerk will notify the applicant(s) of the result as soon as practicable (unless they are present at the meeting).

A successful candidate is declared co-opted to the Council. Before the successful candidate can participate in Council business s/he must sign the Declaration of Acceptance of Office in front of the Clerk. 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.

The Clerk will advise the Monitoring Officer at Carlisle City Council of the names of anyone co-opted to the Council. The Clerk is responsible for providing each new councillor with a new councillor's pack and should ensure that all new councillors have read and understood the Code of Conduct adopted by the Council. All new councillors must, within 28 days of appointment to office, register their Interests with the City Council. A form will be provided in the new members pack.

The Council is not obliged to provide feedback on the application process to unsuccessful candidates.

Vacancies Arising After Parish Council Elections

If fewer, valid nominations were received for the Parish Council quadrennial elections than seats per ward, all those validly nominated will be declared elected. If enough Councillors were elected to form a quorum (5), the Parish Council can fill any remaining vacant seats by co-option within 35 days of the date of the election. An election will be held in any ward where nominations exceed seats per ward.

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 normal co-option procedure outlined above including CV and interview, may be dispensed with, at the discretion of the Council, only at the Annual Meeting of the Council following elections.

Approved: 12 June 2019

1 - 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.

2 – Disqualification

Failure to sign the Declaration of Acceptance of Office and bankruptcy are grounds for disqualification.

3 - Failure of a Councillor to remain qualified

Failure to attend meetings for a period of six consecutive months without prior approval of the Parish Council leads to the failure of a councillor to remain qualified.

STANWIX RURAL PARISH COUNCIL

CO-OPTION ELIGIBILITY FORM

Please tick which of the following applies to you:

In order to be eligible for co-option as a Stanwix Rural Parish Councillor you must be a British subject, or a citizen of the Commonwealth or the European Union; and on the 'relevant date' (i.e. the day on which you are nominated or if there is a poll the day of the election) 18 years of age or over; and additionally, able to meet one of the following qualifications set out below.

- I am registered as a local government elector for the parish; or
- I have, during the whole of the twelve months preceding the date of my co-option, occupied as owner or tenant, land or other premises in the parish; or
- My principal or only place of work during those twelve months has been in the parish; or
- I have during the whole of twelve months resided in the parish or within 3 miles of it.

Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being elected as a Local Councillor or being a member of a Local Council if:

- a) you work for the Parish Council;
- b) you are subject of a bankruptcy restrictions order or interim order;
- c) you have within 5 years prior to the election been convicted in the UK, Channel Islands or Isle of Man, of any offence and have had passed on to you a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
- d) you have been disqualified under the Representation of the People Act 1983 Part III

DECLARATION

I (insert name)

hereby confirm that I am eligible to apply for the vacancy of Stanwix Rural Parish Councillor, and the information given on this form is a true and accurate record.

SIGNATURE

NAME

ADDRESS

DATE

Please return this completed form, together with your Curriculum Vitae, to:

Sarah Kyle, Parish Clerk, Stanwix Rural Parish Council, Hill House, Walton, Brampton, CA8 2DY
Or email to clerk@stanwixrural.co.uk

General Data Protection Regulations

A copy of our Privacy Notice is available online at www.stanwixrural.co.uk Information provided will remain strictly confidential.