

# LYNDHURST PARISH COUNCIL

## Co-option of Parish Councillors (casual vacancy)

### 1 Introduction

- 1.1 This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Lyndhurst Parish Council. The co-option procedure is entirely managed by the Parish Council, and this policy will ensure that a fair and equitable process is carried out.

### 2 Co-Option

- 2.1 The co-option of a parish councillor occurs in two instances:
- When an ordinary vacancy has arisen on the Parish Council after the ordinary elections held every four years;
  - When a casual vacancy has arisen on the Parish Council and no poll (by-election) has been called.

### 3 Ordinary Vacancy

- 3.1 An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the Parish Council at the ordinary elections held every four years. Any candidates who were nominated are automatically elected to the Parish Council and any remaining vacancies are known as "ordinary vacancies". Provided there are enough parish councillors to constitute a quorum, the Parish Council is usually able to co-opt a volunteer to fill the vacancies. In some cases, New Forest District Council may intervene and make an appointment or order an election to fill the vacancies.

### 4 Casual Vacancy

- 4.1 A casual vacancy occurs when:
- A councillor fails to make his declaration of acceptance of office at the proper time;
  - A councillor resigns;
  - A councillor dies;
  - A councillor becomes disqualified; or
  - A councillor fails for six (6) months to attend meetings of a council committee or sub-committee or to attend as a representative of the council a meeting of an outside body.
- 4.2 The Parish Council has to notify the District Council of a casual vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten (10) electors write to the District Council stating that an election is requested.
- 4.3 If a by-election is called, a polling station will be set up by New Forest District Council and the people of the ward will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. The Parish Council will pay the costs of the election. Residents have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services Office of New Forest District Council will advise the Clerk of the closing date.
- 4.4 If more than one (1) candidate is then nominated a by-election takes place but if only one (1) candidate is put forward they are duly elected without a ballot.
- 4.5 If ten (10) residents do not request a ballot within fourteen (14) days of the vacancy notice being posted, as advised by the Electoral Services Office, the Parish Council is able to co-opt a volunteer.

## 5 Confirmation Of Co-Option

- 5.1 On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, the casual vacancy can be filled by means of co-option. The Clerk will:
- Advertise the vacancy for four weeks or such other period as the Parish Council may agree on the Parish Council notice boards and website
  - Advise New Forest District Council that the co-option policy has been instigated
- 5.2 This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office has confirmed that there were insufficient nominations to fill all the seats but there are sufficient parish councillors elected to constitute a quorum.

## 6 Applications

- 6.1 Candidates will be requested to:
- Attend at least one Parish Council meeting as observers;
  - Confirm their eligibility for the position of parish councillor within the statutory rules, (Appendix B);
  - Submit information about themselves, by way of completing a short application form (Appendix C).
- 6.2 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.
- 6.3 Copies of the eligible candidates' applications will be circulated to all parish councillors by the Clerk at least 3 clear days prior to the meeting of the full Parish Council, when the co-option will be considered.
- 6.4 All such documents will be treated by the Clerk and all parish councillors as strictly private and confidential.

## 7 Eligibility Of Candidates

- 7.1 The Parish Council is able to consider any person to fill a vacancy provided that:
- s/he is 18 or over; and
  - s/he is a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union;
- and at least one of the following apply:
- s/he is an elector for the Parish and continues to be an elector; or
  - has resided in the Parish for the past twelve months or rented/tenanted land in the Parish; or
  - has had his/her principal or only place of work in the Parish for the past twelve months; or
  - has lived within three miles of the Parish for the past twelve months.
- 7.2 There are certain disqualifications for being a parish councillor (see Sch. 80 of the Local Government Act 1972) of which the main are :
- holding a paid office or employment under the Parish Council;
  - bankruptcy;
  - having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the preceding five years; or
  - being disqualified under any enactment relating to corrupt or illegal electoral practices.

## **8 At The Co-Option Meeting**

- 8.1 At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to the parish councillors (members), give information on their background and experience and explain why they wish to become a member of the Parish Council.
- 8.2 The process will be carried out in the public session. There will be no private discussions between council members prior to a vote being taken.
- 8.3 As soon as all candidates have finished giving their submissions, the Parish Council will proceed to a vote with each candidate being proposed and seconded by the councillors in attendance and a vote by secret ballot.
- 8.4 In order for a candidate to be co-opted to the Parish Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two candidates and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process.
- 8.5 Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority.
- 8.6 If present, a candidate who is co-opted will sign at the co-option meeting a Declaration of Acceptance of Office, including an undertaking to abide by the Parish Council's Code of Conduct, and may take office immediately thereafter. If not present, a co-opted candidate will sign the Declaration of Acceptance of Office and undertaking to abide by the Parish Council's Code of Conduct and, upon signing, will take office either before or at the next meeting of the Parish Council.
- 8.7 The Clerk will notify New Forest District Council Electoral Services Office of the co-option of the new parish councillor.
- 8.8 A co-opted Parish Councillor will also complete a Notification of Disclosable Pecuniary and Other Interests form which the Clerk/Chairman will lodge with the Monitoring Officer at New Forest District Council within 28 days of the co-option.

## APPENDIX A

### Person Specification:

COMPETENCY	ESSENTIAL	DESIRABLE
<b>Relevant knowledge, Education, Professional Qualifications &amp; Training</b>	<ul style="list-style-type: none"> <li>▪ Sound knowledge and understanding of local affairs and the local community.</li> <li>▪ Good knowledge of the Parish boundaries and Parish Council property</li> </ul>	<ul style="list-style-type: none"> <li>▪ Specific work experience /voluntary work experience /undertaken vocational or academic training / professional qualifications</li> </ul>
<b>Experience, Skills and Ability</b>	<ul style="list-style-type: none"> <li>▪ Solid interest in local matters</li> <li>▪ Ability and willingness to represent the Parish Council and its community</li> <li>▪ Ability to communicate clearly both verbally and in writing</li> <li>▪ Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff</li> <li>▪ Good reading, analytic and problem-solving skills</li> <li>▪ Ability and willingness to work with the Parish Council's partners (e.g. Parish Council sub groups, voluntary groups, other parish councils, principal authority, charities)</li> <li>▪ Ability and willingness to undertake relevant training as and when required</li> <li>▪ Ability to work under pressure and make sound judgement</li> <li>▪ Ability to research and report back on issues faced by the Parish Council</li> <li>▪ Good standard of computer literacy</li> </ul>	<ul style="list-style-type: none"> <li>▪ Previous council/parish council experience</li> <li>▪ Basic knowledge of legal issues relating to town and parish councils or local authorities</li> <li>▪ Experience of financial control /budgeting</li> </ul>
<b>Other requirements</b>	<ul style="list-style-type: none"> <li>▪ Ability and willingness to attend all meetings of the Parish Council (including sub group meetings or the meetings of other local authorities and local bodies) in the evening and at weekends</li> <li>▪ Flexible working approach</li> <li>▪ Enthusiastic</li> </ul>	

## APPENDIX B

### Co-option Eligibility Form

<b>1 In order to be eligible for co-option as a Lyndhurst Parish Councillor you must satisfy certain criteria. You must satisfy a. and b. below and at least one of the options c. to f. Please tick which apply to you.</b>	
a) I am 18 years of age or over; and	YES / NO
b) I am a British citizen or a citizen of the Commonwealth or a citizen of any other member state of the European Union; and	YES / NO
c) I am registered as a local government elector for the parish; or	YES / NO
d) 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	YES / NO
e) My principal or only place of work during those twelve months has been in the parish; or	YES / NO
f) I have during the whole of those twelve months resided in the parish or within 3 miles of it	YES / NO

<b>2 Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being a parish councillor if he/she:</b>
a) Is employed by the parish council or holds paid office (other than chairman, vice-chairman or deputy chairman) under the parish council (including joint boards or committees);
b) Is employed by an entity controlled by the parish council;
c) Is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or a debt relief restrictions order or an interim debt relief restrictions order; or
d) Has within five years before the day of co-option, or since his/her co-option, 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
e) Is otherwise disqualified under Part III of the Representation of the People Act 1983 (relating to corrupt or illegal electoral practices and offences relating to donations) or the Audit Commission Act 1998.

<b>Use of Personal Information</b> The Parish Council will use the information provided on this form to assess your eligibility to be a parish councillor.
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<b>Declaration &amp; Consent</b>  I..... hereby confirm that I am eligible for the vacancy of Lyndhurst Parish Councillor and I am not disqualified under S80 of the Local Government Act 1972 from being a parish councillor and that the information given on this form is true and correct.  I have read the section entitled 'Use of Personal Information' and by signing this form I consent to the use and disclosure of my information included in this form.  Signature..... Name..... Please return this eligibility form with application form.
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**APPENDIX C**  
**Co-Option Application Form**

<b>Name:</b>
<b>Address:</b>
Telephone Number(s):
Email address:
Please detail any experience you may have that is relevant to Lyndhurst Parish Council (if necessary continue onto a separate sheet)

Continued...

**Is there any other information you would like to disclose regarding your application? (if necessary, please continue on a separate sheet)**

**Use of Personal Information**

The Parish Council will use your information, including that which you provide on this application form, to assess your suitability to be a parish councillor.

**Declaration & Consent**

I..... have read the section entitled 'Use of Personal Information' and by signing this form I consent to the use and disclosure of my information included in this application form.

I declare the information given on this form to be true and correct

Signature.....

Name.....