

## **Hundleby Parish Council**

### **Councillor Vacancy Policy**

#### **Purpose**

Hundleby Parish Council has eight seats which are available for election on a four-yearly basis. Seats which are not filled by election may be made available for co-option.

The purpose of this policy is to ensure that the Council has a clear process for dealing with vacancies and to give information to members of the public of how a vacancy may be filled.

Hundleby Parish council will endeavour to fill any vacancy (vacancies) at the earliest opportunity.

#### **Reasons for vacancies**

##### Seats left vacant following a scheduled election

Hundleby has eight seats available for election on a four-yearly basis.

- If the number of nominations is greater than eight, an election will be held.
- If the number of nominations is seven, the election is uncontested. Those nominated are elected.
- If the number of nominations is fewer than seven, the election is uncontested. Those nominated are elected. The vacant seats are available for co-option.

##### Resignation

A councillor may resign at any time by giving written notice to the chairman of the parish council. The chairman must accept the resignation. 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.

##### Disqualification

Reasons for disqualification include but are 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;
- 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.

#### **Vacancies after ordinary parish council elections**

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

If enough councillors are elected to form a quorum, 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 thirty-five working days (excluding bank holidays and weekends), or if not enough councillors were elected to form a quorum, East Lindsey District Council may order another election.

### **Procedure for filling casual vacancies**

When a casual vacancy arises on the parish council due to death, resignation or disqualification, the process to fill the vacancy is as follows:

The clerk to council must notify the returning officer at East Lindsey District Council of the vacancy.

Different arrangements apply depending on the timing of the vacancy.

### **If the vacancy occurs more than six months from the next scheduled election for the parish council**

The parish council must display a notice informing the residents of the parish of the vacancy, giving the residents of the parish the opportunity to call for an election to fill the vacancy during this period.

Methods of publication include parish council noticeboards, parish council website and social media.

### **If the vacancy occurs within six months of the next scheduled election for the parish council**

There is no option to hold an election. The parish council may fill the vacancy by co-option or the seat remains vacant.

### Calling an Election

During the period of fourteen working days from the date the public notice of the vacancy was displayed, ten electors from the parish can call for an election to be held to fill the vacancy. They must make their request in writing to the returning officer (via the clerk to council if required).

### If an election is called

If a request for election is received from ten electors within the fourteen days, the returning officer will set a date for the election (which must be within sixty days of the date of the vacancy notice).

Notices will be displayed announcing the election and explaining how to apply to be a candidate for election. The cost of any election is borne by Hundleby Parish Council. If there are not enough nominated candidates at the election to fill the vacancies, a further election must be called. Co-option is not permitted in these circumstances.

### If an election is not called

If a request for election is not received from ten electors within the fourteen days, the parish council will be notified by the returning officer. The council must fill the position by co-option as soon as practicable.

### **Qualifications**

To be a Parish Councillor in England you must:

- be at least 18 years old
- be a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union, and
- meet at least one of the following four qualifications:
  - a. You are, and will continue to be, registered as a local government elector for the parish/community in which you wish to stand from the day of your nomination onwards.
  - b. You have occupied as owner or tenant any land or other premises in the parish/community area during the whole of the 12 months before the day of your nomination and the day of election.
  - c. Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the parish/community area.
  - d. You have lived in the parish/community area or within three miles of it during the whole of the 12 months before the day of your nomination and the day of election.

### **Co-option**

Although the process for co-option is not prescribed in law, District Councils and County 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 Hundleby Parish Council is as follows.

The Parish council will consider any interested applicants who have gone through the nomination/ election process *in the first instance*;

If those persons do not wish to be considered for co-option or are considered unsuitable by the parish council, the parish council will advertise any vacancies using parish council noticeboards, website, newsletters, social media and/or any other appropriate methods.

The notices will include:

- The contact details of the clerk to council to enable prospective co-option candidates to obtain further information on the role of a parish councillor;
- Details of the co-option process;

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

When the applications are received, the clerk to council will review all application details and check that applicants meet the qualification requirements.

Candidates may be asked to submit a short letter with a brief CV giving reasons why they should be considered for the vacancy. These letters will be circulated to elected councillors before the meeting at which the decision will be made.

Notice of consideration of vacancies must be given in the appropriate agenda for a meeting of the parish council. Candidates may be invited to the meeting to make a brief presentation and to provide elected councillors the opportunity to ask questions. The parish council retains the right to rely on written submissions alone. Presentations and questioning take part in public.

Discussion by members of council of presentations from candidates, proposals that candidates may be considered as candidates and voting take place in private. Candidates and other members of the public will be asked to leave the room at that point.

### 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.

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

*Arnold Baker on "Local Council Administration" (9<sup>th</sup> Edition) recommends that:* 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.

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.

The clerk to council will notify the candidates of the results in person, by telephone or by 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 twenty-eight calendar days of election, whichever is the sooner. Their term of office runs until the next quadrennial elections for the parish council.

### **Notes on legislation**

This content within this document is based upon a study of legislation and adopted practices of district and parish councils nationwide and follows advice from the Lincolnshire Association of Local Councils.

It is intended as a summary of the most relevant points of procedure and legislation rather than a definitive exposition. Unless specified otherwise, periods of days given in this document refer to working days excluding weekends and public holidays.

## APPENDIX

### NOTICES

#### Co-option notice of vacancies

Following the scheduled election of *insert date*, Hundleby Parish Council has *insert number* seat(s) vacant. The parish council intends to co-opt to fill this (these) vacancy(ies) and invites applications from interested persons.

#### Could this be you? Are you interested in serving your local community?

You must be either:

- British;
- A Commonwealth National;
- An Irish or European Union citizen;

**and**

- 18 years of age or over, and fulfil one or more of the following criteria:
- being on and remaining on the register of electors for the parish:

or, during the whole of the twelve months preceding the nomination;

- have lived in, worked in or lived within 3 miles of the parish boundary.

Applications should include a short letter explaining why you should be considered for the vacancy and a brief CV. Candidates may also be requested to address council at its meeting on *insert date*.

This notice of vacancy should be read in conjunction with the following documents available from the Parish Council website

- Councillor Vacancies policy;
- Parish Councillor Person Specification;
- Code of Conduct.

The closing date for applications is *insert date*. All applications should be returned to the clerk to council.

Please contact the clerk to council if you have any questions or queries:

Miss J Slaymaker

Tel: 01790 752541 Email: clerk.hundleby.pc@gmail.com

**Applications received by the closing date will be considered at a meeting of council on *insert date***

### **Co-option notice of vacancies**

Following the resignation/ death/ disqualification of *insert name on insert date*, no requests for an election were received. Hundleby Parish Council may co-opt to fill this vacancy and invites applications from interested persons.

### **Could this be you? Are you interested in serving your local community?**

You must be either:

- British;
- A Commonwealth National;
- An Irish or European Union citizen;

**and**

- 18 years of age or over, and fulfil one or more of the following criteria:
- being on and remaining on the register of electors for the parish:

or, during the whole of the twelve months preceding the nomination;

- have lived in, worked in or lived within 3 miles of the parish boundary.

Applications should include a short letter explaining why you should be considered for the vacancy and a brief CV. Candidates may also be requested to address council at its meeting on *insert date*

This notice of vacancy should be read in conjunction with the following documents available from the Parish Council website

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## **Parish Councillor Person Specification**

### **Competency**

#### **Relevant knowledge, Education, Professional Qualifications & Training**

##### **Essential qualifications**

- Sound knowledge and understanding of local affairs and the local community.
- Other requirements as appropriate

#### **Experience, Skills, Knowledge and Ability**

##### **Essential qualifications**

- Solid interest in local matters.
- Ability and willingness to represent the Council and their community.
- Good interpersonal skills.
- Ability to communicate clearly both orally and in writing.
- Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff.
- Good reading and analytic skills.
- Ability and willingness to work with the council's partners (e.g. voluntary groups, other parish councils, principal authority, charities).
- Ability and willingness to undertake relevant training.
- Ability to work under pressure.

##### **Desirable qualifications**

- Knowledge of HR, procurement, contract management, financial control or risk management and compliance, public relations
- Experience of working in another public body or not for profit organisation
- Experience of working with voluntary and or local community/ interest groups.
- Basic knowledge of legal issues relating to town and parish councils or local authorities.
- Experience of delivering presentations.
- Experience of working with the media.
- Experience in financial control/budgeting
- Experience of staff management.

##### **Other requirements**

- Ability and willingness to attend meetings of the council (or the meetings of other local authorities and local bodies) in the evening and events in the evening and at weekends.
- Willingness to accept and agree to abide by Council Code of Conduct.
- Flexible
- Enthusiastic

Adopted 05.2022

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