# Co-option of Councillors

## Thurston Parish Council

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## INTRODUCTION

Vacancies may exist following an election in which there were insufficient candidates, or during the term of a council due to resignation etc. The latter are known as 'casual vacancies' which must be notified to the local community. If a by-election is not required, the Council must endeavour to fill the vacancies by co-option.

## CASUAL VACANCY

According to section 87 of the 1972 Act, a casual vacancy occurs when:

- a councillor fails to deliver his declaration of acceptance of office at the proper time; **or**
- a councillor resigns; **or**
- a councillor dies; **or**
- a councillor becomes disqualified or the expiry period for making an application or appeal or, if an appeal or application has been made, the date that any such application or appeal process comes to an end; **or**
- on the date of a report or certificate of an election court that declares an election void; **or**
- a councillor fails to attend parish council=related meetings for six consecutive months.

## NOTIFICATION

The Clerk to the Council will notify the Electoral Services department of Mid Suffolk District Council that a vacancy has arisen. Under section 87(2)(b) of the 1972 Act, the local council must give public notice of all vacancies as soon as practicable after the casual vacancy is deemed to have occurred and in accordance with the requirements of section 232 of the 1972 Act. A Notice for the Parish Council to publish on its web site and on physical noticeboards in each parish village by the Clerk, will be provided by the Electoral Services Department thus providing everyone an opportunity to request an election if they wish to do so. The Electoral Services team will advise the Clerk of relevant dates and deadlines relating to the vacancy, which must be adhered to by law.

Rule 5 of the Local Elections (Parishes and Communities) (England and Wales) Rules 2006, provides that on a casual vacancy occurring in the office of Parish Councillor, an election to fill the vacancy shall be held if within fourteen days after the date of this notice has been given in accordance with section 87(2) of the Local Government Act 1972, notice in writing of a request for such an election has been given to the proper officer of the council of the district within which the Parish is situated by TEN electors for the Parish. The electoral officer will advise the Clerk of the closing date.

Once a poll has been requested for a casual vacancy, it is no longer permissible for a Parish Council to seek to fill such a vacancy by co-option, even if the initial poll does not result in any person being nominated for election.

## BY-ELECTIONS

If a by-election is called, a polling station will be set up by Mid Suffolk District Council and the people of the parish 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 is obliged to pay the costs of the election. If more than one candidate is nominated, a by-election takes place; if only one candidate applies, they would be duly elected without a ballot (subject to eligibility).

## INITIATING CO-OPTION

If no by-election is called, the Electoral Services office from Mid Suffolk District Council will confirm to the Clerk in writing that the casual vacancy can be filled through the co-option process. The Parish Council must, therefore, as soon as practicable after the expiry of the 14-day period fill the vacancy by co-option of a suitably qualified volunteer (see eligibility rules below).

The exception to this rule is in the case of a casual vacancy occurring within six months of the day on which the councillor would normally have retired from office (i.e. four days after the next ordinary election). In these circumstances, the Parish Council may wait until the next scheduled elections.

The Parish Council is not obliged to fill any vacancy and therefore even if it invites application for co-option, it is not compelled to select anyone from the candidates who apply.

Councillors elected by co-option are full members of the Parish Council.

### Qualifying criteria for holding office

Unless disqualified, under s.79, Local Government Act 1972 a person is qualified to be elected (or co-opted) to a council if they are a qualifying Commonwealth citizen, or an EU citizen, are 18 years of age or over and:

- on that day they are and continue to be an elector for the parish; or
- during the whole of the previous 12 months have occupied as owner/tenant any land or other premises in that area; or
- their principal or only place of work during that 12 month has been in that area; or
- has resided in, or within three miles of, the Parish for the past twelve months.

## DISQUALIFICATION FROM OFFICE

Under s.80 of the 1972 Act, a person is disqualified from being a Parish Councillor if they:

- hold any paid office or employment with the Parish Council; **or**
- is the subject of a bankruptcy restrictions order, an interim restrictions order, a debt relief restrictions order, or interim order; **or**
- have been sentenced to a term of imprisonment (whether suspended or not) of not lessthan three months, without the option of a fine during the preceding five years; **or**
- have been disqualified under any enactment relating to corrupt or illegal electoral practices.

## APPLICATIONS

Candidates are asked to submit the attached form which enables them to confirm that they meet the qualifying criteria and are not disqualified, as well as to provide some basic information to help the Council choose in the event of there being more applicants than vacant seats.

### At the meeting

When applications have been received, the co-option will be placed on the agenda of a suitable meeting of the Parish Council.

If there are the same number of, or less, eligible candidates than vacancies then the Council simply resolves to co-opt them on to the Council. Where there are more candidates than vacant seats, the Council will select the required number.

The selection will be an open, fair process with the public present, including candidates unless they choose to leave.

Each candidate will be given an opportunity to briefly address the Council should they wish.

All valid applications will be considered, including those of candidates not present.

In cases of more than one vacancy, each will be dealt with separately. Members will be asked to vote for their preferred candidate. An absolute majority is required and if there are more than two candidates, the process in (model) standing order 8 will be followed.

Once the process has been completed, the Council then co-opts them to the Council with a formal resolution. The successful candidates take office immediately and can take part in the remainder of the meeting should they wish to do so. New councillors must make a declaration of acceptance of office and, where possible, this will be dealt with at that meeting, but the law only requires it to be made at/before the next meeting (or a later meeting agreed by Council).

All councillors are required under the Localism Act 2011 to complete a Notification of Disclosable Pecuniary and Other Interests form within 28 days of taking office.

The Clerk to the Council will forward this to the Monitoring Officer of the district council.