



Washingborough Parish Council

COUNCILLOR VACANCIES POLICY

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21 Nov 2019**

**Updated
21 Jun 2023**

Washingborough Parish Council
Councillor Vacancies Policy

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Change History**

Change	Updated by	Change summary	Approved
Original	F&GP	Created	21 Nov 2019
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Review	Council	Review	20 Jul 2022
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Notes

1. The content within this document is based upon a study of legislation and adopted practices of District and Parish / Town Councils (nationwide) and follows advice from the Lincolnshire Association of Local Councils (LALC).
2. This Policy is intended as a summary of the most relevant points of procedure and legislation rather than a definitive exposition.
3. Unless specified otherwise, periods of days given in this document refer to working days, that is, they exclude weekends and public holidays.
4. Legislation covering casual vacancies can be found at:

[The Local Elections \(Parishes and Communities\) \(England and Wales\) Rules 2006 - article 5](#)

COUNCILLOR VACANCIES POLICY

For the purpose of openness and transparency, Washingborough Parish Council will endeavor to fill any vacancy at the earliest opportunity.

Qualifications

To become a Parish Councillor, you need to -

1. be at least 18 years old,
2. be a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union, and
3. 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 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 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 area,
 - d. You have lived in the parish 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.

Disqualifications

Apart from meeting the qualifications for standing for election, you must also not be disqualified.

There are certain people who are disqualified from being elected to a parish council. You cannot be a candidate if at the time of your nomination and on polling day -

- a. You are employed by the parish council or hold a paid office under the parish council (including joint boards or committees),
- b. You are the subject of a bankruptcy restrictions order or interim order,
- c. You 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 polling day and the ordinary period allowed for making an appeal or applications in respect of the conviction has passed.
- d. You have been disqualified under the [Representation of the People Act 1983](#) (which covers corrupt or illegal electoral practices).
- e. You are subject to the notification requirement of or under Part 2 of the [Sexual Offences Act 2003](#), and the ordinary period allowed for making an appeal or application in respect of the order or notification has passed. A disqualification set under s.81A of the [Local Government Act 1972](#) will only apply to a person who is

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subject to any relevant notification requirements or relevant order made on or after 28 June 2022. A person who is in the process of making an appeal or application in relation to the disqualification is not disqualified at any time before the end of the day on which the appeal or application is disposed of, abandoned or fails by reason of non-prosecution.

A person may also be disqualified from being or becoming a member of certain authorities following a conviction under the [Localism Act 2011](#).

Resignation

A Councillor may resign at any time by giving written notice, addressed and delivered to the Chairman of the Parish Council. The Chairman must accept the resignation and 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.

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.

Procedure for Filling Casual Vacancies

When a vacancy arises on the Parish Council, the process to fill the vacancy is as follows:

1. The Clerk must notify the Returning Officer at North Kesteven District Council of the vacancy,

then, either

2. The Parish Council must display a notice informing the residents of the parish of the vacancy. The notice will run for 14 working days (excluding weekends and bank holidays) from the date it is displayed on the Council notice boards, giving the residents of the parish the opportunity to call for an election to fill the vacancy during this period. The Parish Council will also post the notice on their website, and, if the publication schedule allows, the Sheepwash Times.

or

3. 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, or the seat remains vacant.

Calling an Election

During the period of fourteen 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.

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They must make their request in writing to the Returning Officer (via the Parish Clerk if required).

If such a request is received within the 14 days, the Returning Officer will set a date for the election (which must be within 60 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. If there are not enough nominated candidates at the election to fill the vacancies, a further election must be called. Co-option is not an option.

If an Election is Not Called

The Parish Council will be notified by the Returning Officer and must fill the position by co-option as soon as practicable.

Vacancies after Ordinary Parish Council Elections (every 4 years)

If fewer valid nominations were received within the Parish Council boundaries at the four yearly elections, all those validly nominated will be declared elected.

If enough Councillors are elected to form a quorum (**5**), 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 35 working days (excluding bank holidays and weekends), or if not enough Councillors were elected to form a quorum, North Kesteven District Council may order another election.

Co-option

Although the process for co-option is not prescribed in law, District Councils and Local Council 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 Washingborough Parish Council is as follows:

1. The Parish Council will advertise the vacancy (or vacancies) on the Councils' noticeboards, website, social media and, if the publication schedule allows the Sheep Wash Times.

The notices will include:

- The contact details of the Parish Clerk to enable prospective co-option candidates to obtain further information on the role of a Parish Councillor,
 - Details of the co-option process,
 - The closing date for all expressions of interest,
 - The date on which the Parish Council will make a decision.
2. The Parish Council (or parishioner) can legally approach individuals to suggest that they might wish to consider putting their names forward for co-option.

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3. When applications are received, the Parish Clerk will review all application details and carefully check that applicants meet the qualification requirements, and confirm, if successful, their willingness to accept the Code of Conduct and other obligations of a Parish Councillor.
4. Candidates will 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 Councillors before the meeting at which the decision will be made.
5. Candidates will be informed of the date of the meeting at which the Parish Council will make its decision on the co-option.

Co-option Meeting

Notice of the intention to co-opt must be given in the appropriate agenda for a meeting of the Parish Council. Candidates may be invited to the meeting to introduce themselves and to provide Councillors the opportunity to ask questions of them; the Parish Council retain the right to rely on written submissions alone.

If candidates are not invited to speak at the co-option meeting, they are welcome to (but not required to) attend as members of the public.

The Parish Council may only discuss each candidate's suitability for the role when s/he and members of the public are not present.

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" (9th Edition) recommends that:

1. 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.
2. 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.

After the Vote

1. The Parish Clerk will notify the candidates of the results by telephone and email, as soon as is reasonably possible (usually within 24 hours).
2. Successfully co-opted candidates become Parish 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

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Form at their first meeting, or within 28 calendar days of election, whichever is the sooner. Their term of office runs until the next quadrennial elections for the Parish Council.