



PINCHBECK PARISH COUNCIL

COUNCILLOR VACANCY & CO-OPTION POLICY

Legal Framework: This policy is made pursuant to sections 86–89 and 81A of the Local Government Act 1972, the Representation of the People Act 1983, the Localism Act 2011, and the Local Government (Disqualification) Act 2022.

This policy sets out the procedure for filling a vacancy on the Council.

1. In the case of a vacancy arising from insufficient councillors being elected after the ordinary elections, then, subject to the Council being quorate, the co-option process will proceed from step 7 belowⁱ.
2. In the case of a casual vacancy ([see appendix 1](#)) occurring within six months before the date of an ordinary election, then the Parish Council may leave the office vacant until that electionⁱⁱ. Alternatively, it may commence the co-option process from step 7 below.
3. In the case of a casual vacancy arising other than within six months before the date of an ordinary election, the Clerk will notify the District Council that a vacancy exists and the reason and date of the vacancy. The District Council will then provide the required public noticeⁱⁱⁱ ([see appendix 2](#)).
4. The Clerk will display the notice for 14 days on the Parish notice boards and on the Parish Council's website^{iv}.
5. If, within fourteen working days of the date of the notice (computed in accordance with Schedule 1 to the Local Government Act 1972 and excluding dies non), the Returning Officer receives a written request for an election signed by ten electors for the affected ward, the Returning Officer will initiate the election process. The costs of the election will be paid for by the Parish Council.
6. Where a casual vacancy is not required to be filled by an election, after receiving written confirmation from the District Council, the Parish Council must, as soon as practicable, co-opt a person to fill the vacancy.^v
7. Without recourse to the Council, the Clerk will advertise the vacancy to be filled on the Parish Council's noticeboards and website (and any other local media deemed appropriate). The advertisement will give interested parties a minimum of 14 working days to notify the Clerk that they wish to be considered for co-option.
8. The Clerk will send candidates an application form ([see appendix 3](#)), to be completed and returned to the Clerk, confirming their eligibility for the position of councillor within the statutory rules ([see appendix 4](#)).
9. If insufficient candidates come forward for co-option, the process will continue, whereby the vacancies are again advertised.
10. 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 and sent a copy of the agenda.
11. Copies of the eligible candidates' applications will be circulated to all parish councillors by the Clerk at least 3 clear days^{vi} prior to the meeting of the full Parish Council, when the co-option will be considered. All such documents will be treated by the Clerk and all parish councillors as strictly private and confidential.
12. If a candidate is unable to attend the co-option meeting, councillors at the meeting will decide whether they have sufficient information to make an informed decision regarding the co-option. If further information is required, the co-option may be deferred to the next Parish Council meeting. The Council is not obliged to make a co-option if, in its reasonable opinion, no candidate meets the eligibility criteria or is considered suitable for appointment.
13. At the appropriate agenda item of the co-option meeting, each eligible candidate will be invited to make a short personal statement of no more than three minutes in support of their application. Candidate statements will be heard in open session. Following the statements, the Council will

resolve to exclude the press and public under section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 in order to discuss the applications and conduct the vote in private.

14. Councillors will proceed to a vote by a show of hands. Where multiple vacancies exist, all vacancies will be filled at the same time. Each councillor may cast up to the same number of votes as there are vacancies but may not give more than one vote to any single candidate.

Candidates will be listed in alphabetical order by surname and considered in that order. The Chair will invite councillors to indicate whether they wish to vote in favour of each candidate in turn, and the Clerk will record the number of votes received for each candidate.

Candidates who receive an absolute majority of votes cast (more than half of the members present and voting) will be co-opted to fill the vacancies, starting with the highest number of votes until all vacancies are filled.

Where insufficient candidates receive an absolute majority on the first round, the candidate or candidates with the fewest votes will be eliminated. A further round of voting will then take place among the remaining candidates. Where two or more candidates are tied for the lowest number of votes, the Chair will exercise their casting vote in accordance with paragraph 13(1) of Schedule 12 to the Local Government Act 1972 to determine which candidate is eliminated.

This process will continue until the number of remaining candidates equals the number of vacancies.

15. After the vote has been concluded, and if in closed session, the Council will resolve to move back into open session and readmit members of the public, including the candidates.
16. The Chair will declare the successful candidate(s) duly elected, the successful candidate/s will sign the Declaration of Acceptance of Office^{vii} and the Council's Code of Conduct^{viii}.

Where more than one councillor is co-opted at the same meeting, the Council must then determine which co-opted member will fill each ward's vacancy.

17. Assignment of Ward Vacancies (Pinchbeck Ward and Crossgate Ward)

Although the Parish is divided into two wards (Pinchbeck Ward and Crossgate Ward), eligibility for co-option is determined at parish level under section 79 of the Local Government Act 1972. Any person who is legally qualified to be a councillor for the Parish may be co-opted to fill a vacancy in either ward.

Where more than one councillor is co-opted at the same meeting, the Council will, after the co-option voting process has concluded, determine by resolution which councillor will fill each ward vacancy.

In assigning councillors to ward vacancies, the Council may have regard to practical considerations such as a councillor's home location within the Parish, familiarity with particular areas, or other factors relevant to effective local representation.

This allocation will be decided in open session and recorded in the minutes. It does not affect the validity of the co-option decisions already made.

18. If not present, a co-opted candidate(s) will sign the Declaration of Acceptance of Office and the Council's Code of Conduct either before or at the next meeting of the Parish Council^{ix}.
19. The co-opted parish councillor(s) will complete a Notification of Disclosable Pecuniary and Other Interests form which the Clerk will lodge with the Monitoring Officer at the District Council within 28 days of the co-option^x.
20. The newly appointed councillor(s) will be provided with an induction pack. This will include the Council's Standing Orders and Financial Regulations.
21. The name of the co-opted councillor(s) will be published on the Parish Council's website and noticeboards and notified to the District Council's Returning Officer.
22. The Clerk will notify the District Council of the co-option of the new parish councillor(s), along with their address and contact details.
23. Data Protection: Personal information collected as part of the co-option process will be processed in accordance with the UK GDPR and the Council's Data Protection Policy. Unsuccessful applications will be securely destroyed after the conclusion of the process.

Appendix 1: Reasons for a casual vacancy and effective vacancy date

1. Failure to complete a declaration of acceptance of office within the proper time. This must be done before or at the first meeting of the Parish Council, unless the Parish Council permits otherwise. The effective date of the vacancy is the closing date for making declarations of acceptance of office.
2. When a notice of resignation has been received. A councillor may at any time resign their office by written notice delivered to the Chair of the parish council. The resignation takes effect upon receipt, and this is the effective date of the vacancy.
3. Death. The vacancy is deemed to have occurred on the date of the death.
4. Ceasing to be Qualified. This would normally only occur where a councillor had used their registration as an elector as their qualification for nomination and election and where that qualification had been lost because they had ceased to be on the register of electors. As noted above, all other qualifications continue for the full term of office. The Parish Council must declare the vacancy forthwith, and the vacancy is deemed to have occurred on the date of this declaration.
5. Becoming Disqualified. Through bankruptcy, office holding, surcharge, conviction, court order or being found guilty of corrupt or illegal practices in election law.
6. Failure to Attend Meetings. If a councillor fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Parish Council (including committees, sub-committees or as a representative of the Parish Council), they shall, unless the failure was due to some reason approved by the Parish Council before the expiry of that period, cease to be a member of the Parish Council. The effective date of the vacancy is the date declared by the Parish Council.

NOTICE OF VACANCY IN OFFICE OF COUNCILLOR

PARISH OF PINCHBECK NOTICE IS HEREBY GIVEN

that a casual vacancy has arisen in the Office of Councillor for the Parish Council.

If by [DD MMMM, YYYY] (14 days excluding Dies Non, after the date of this notice) a request for an election to fill said vacancy is made in writing to the Returning Officer at the address below by TEN electors for the said Parish, an election will be held to fill the said vacancy, otherwise the vacancy will be filled by co-option.

If an election is called, it will take place not later than [DD MMMM, YYYY].

Dated: [DD MMMM, YYYY]

[Name]
Returning Officer
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Appendix 3: application form

Pinchbeck Parish Councillor Application Form

Please read the document titled '**Guidance for Candidates and Agents**', published by the Electoral Commission, before completing this form.

Name:

Address:

Post Code:

Phone - daytime:

Phone – evening:

Phone – mobile:

Email address:
If you have no email address please state NONE.

Occupation:

Have you ever served on any council before?
Delete as applicable:

If Yes please give details:

Please state why you consider yourself to be a suitable candidate (add

additional sheet if necessary):

Please give one example of something the Parish Council could be doing for the village that it currently isn't (add additional sheet if necessary):

I have read and understand the Qualifications and Disqualifications for the office of parish councillor and confirm my eligibility.

Signature:

Date:

Appendix 4: Qualifications & Disqualifications for the office of Parish Councillor

Although the Parish is divided into wards, eligibility for co-option is determined at parish level under section 79 of the Local Government Act 1972. Any person who is legally qualified to be a councillor for the Parish may be co-opted to fill a vacancy in any ward of the Parish.

Qualifications

To be qualified to be a parish councillor you must^{xi}:

- 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 on the electoral register for the Parish.
 - b) You have occupied as owner or tenant any land or other premises in the Parish during the whole of the preceding 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.
 - d) You have lived in the Parish 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 being a parish councillor you must also not be disqualified

Certain people are disqualified from being elected to a local authority in England. You cannot hold the office of a parish councillor if:

- a. You hold any paid office or employment of the Parish Council (other than the office of chair) or of a joint committee on which the Parish Council is represented^{xii}.
- b. You are subject to any of the following made by a court in England or Wales^{xiii}:
 - an interim bankruptcy restrictions order
 - a bankruptcy restrictions order
 - an interim debt relief restrictions order
 - a debt relief restrictions 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, within the last five years and the ordinary period allowed for making an appeal or applications in respect of the conviction has passed^{xiv}.
- d. You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices). The disqualification for an illegal practice begins from the date a person has been reported guilty by an election court or convicted and lasts for three years. The disqualification for a corrupt practice begins from the date a person has been reported guilty by an election court or convicted and lasts for five years^{xv}, unless at any time within that period a court

determines that the conviction should not be upheld, in which case the disqualification ends at that time^{xvi}.

- 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^{xvii}. A disqualification set under s.81A of the Local Government Act 1972 will only apply to a person who is 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.
- f. A person may be disqualified from being or becoming a member of certain authorities following a conviction under the Localism Act 2011^{xviii}.

For further information on whether you can stand as a parish councillor, please see [Guidance for candidates and agents Part 1 of 6 – Can you stand for election?](#) Published by the [Electoral Commission](#), June 2022.

Legal References

- ⁱ RPA 1985, s.21
- ⁱⁱ The Local Elections (Parishes and Communities) (England and Wales) Rules 2006, s.5(6)
- ⁱⁱⁱ The Local Elections (Parishes and Communities) (England and Wales) Rules 2006, Sch.4
- ^{iv} The Local Elections (Parishes and Communities) (England and Wales) Rules 2006, S.2(2)(c)
- ^v The Local Elections (Parishes and Communities) (England and Wales) Rules 2006. s.5(5)
- ^{vi} LGA 1972, Sch.12, paras.10(2)
- ^{vii} The Local Elections (Declaration of Acceptance of Office) Order 2012
- ^{viii} The Localism Act (LA) 2011, s.28
- ^{ix} LGA 1972, s.83
- ^x LA 2011, s.30
- ^{xi} LGA 1972 (LGA 1972) s.79
- ^{xii} LGA 1972 s.80(1)(a)
- ^{xiii} LGA 1972 s.80(1)(b)
- ^{xiv} LGA 1972 s.80(1)(d) and (5)
- ^{xv} LGA 1972 s.80(1)(e)
- ^{xvi} RPA 1983 s.173(3)
- ^{xvii} LGA 1972 s.81A(4) and (5)
- ^{xviii} LA 2011 s.27(6) and s.34(4)