

Shincliffe Parish Council

PROCEDURES FOR DEALING WITH A CASUAL VACANCY INCLUDING CO-OPTION

1. Introduction

This document sets out the procedure to ensure there is compliance with legislation and continuity of procedures in dealing with casual vacancies and the co-option of members to Shincliffe Parish Council (SPC). The co-option procedure is entirely managed by the parish council and this will ensure that a fair and equitable process is carried out.

2. Co-option

The co-option of a parish councillor occurs when a casual vacancy has arisen on the council and no poll (by-election) has been called. A casual vacancy occurs when:

- A councillor fails to make their 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 the full council committee or a committee or to attend as a representative of the council a meeting of an outside body.

See Local Government Act 1972 s87

SPC has to notify Durham County Council of a casual vacancy and then advertise the Notice of Vacancy and give electors the opportunity to request an election. An election occurs when ten electors request this in writing to the county council within 14 days.

Where a by-election is called, 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. SPC will pay the costs of the election. However, where there are candidates but the number is the same or fewer than the number of vacancies, the candidates will be elected uncontested with no need for an election day.

If ten electors do not request a ballot within fourteen days of the vacancy notice, as advised by the county council, SPC is able to co-opt a councillor.

3. Confirmation of co-option

On receipt of written confirmation from the Electoral Services Office of Durham County Council, the casual vacancy can be filled by means of co-option. The Parish Clerk will, on instruction from the Council:

- Advertise the vacancy for two weeks on the council notice boards and website.
- Advise parish councillors when the co-option procedure has commenced. The parish council is not obliged to fill any vacancy. Even if the council invites applications for co-option, it is not obliged to select anyone from the candidates who apply. However, it is not desirable that electors be left partially underrepresented for a significant length of time. Neither does it contribute to effective and efficient working of the council if there are insufficient councillors to share the workload equitably, to provide a broad cross-section of skills and interests or to achieve meeting quorums without difficulty.

Councillors elected by co-option are full Members of Shincliffe Parish Council.

4. Eligibility of Candidates

The parish council is able to consider any person to fill a vacancy provided that:

- He/she is an elector for the parish; or
- has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
- had his/her principal place of work in the parish; or
- lives within 4.8 kilometres (direct) of the parish boundary (sometimes referred to as the “three-mile rule”).

See Local Government Act 1972 Section 79

There are certain disqualifications for election, of which the main are (see Local Government Act 1972 section 80):

- holding a paid office with Shincliffe Parish Council;
- being the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order, or a debt relief restrictions order under schedule 4ZB of the Insolvency Act 1986;
- 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 five years preceding the election; and
- being disqualified under any enactment relating to corrupt or illegal practices.

Candidates found to be offering inducements of any kind will be disqualified.

5. Applications

Council members may point out the vacancy(s) and the process to any qualifying candidate(s).

Although there is no statutory requirement to do so, candidates will be requested to:

- Submit information about themselves, by way of providing a short summary of their experience, both work and community experience, reasons for wishing to become a councillor and any other skills they could bring to the Council. This summary will not be provided to anyone outside the parish council.
- Confirm their eligibility for the position of councillor within the statutory rules.

If it is considered appropriate the council may provide with the advertisement a person specification or similar so that candidates are aware of what is considered essential and desirable criteria for potential candidates. The Council should reference its commitment to diversity (see 7) when advertising.

Following receipt of applications, the next suitable meeting of the council 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'. Copies of each candidate's application will be circulated to all councillors by the Clerk at least 3 clear days prior to the meeting of the full council along with the agenda, when the co-option will be considered. All such documents will be treated by the Clerk and all councillors as strictly private and confidential.

Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of Shincliffe Parish Council. Candidates will also be informed that they will be invited to speak about their application at the meeting. Provision shall be made for each candidate to give a presentation as well as/instead of a speech.

6. At the Co-option Meeting

At the co-option meeting, candidates will be given a maximum of five minutes to introduce themselves to members, give information on their background and experience and explain why they wish to become a member of SPC.

As soon as all candidates have finished giving their submissions, the chair will request the councillors to nominate any of the candidates. Candidates require a proposer and seconder to progress to the voting stage. The chair

will place the names of those proposed and seconded in alphabetical order and proceed to a vote.

Voting will be by secret ballot. In the event that there are two candidates for one vacancy and there is an equality of votes, the Chairman will have the casting vote. Where there are multiple vacancies to be filled and there are not more candidates proposed and seconded than there are vacancies, the vacancies will be filled one at a time. Where there are multiple vacancies to be filled and there are more candidates proposed and seconded than there are vacancies, the vacancies shall be filled by the single transferable vote system. The Clerk to the Council will act as returning officer in any election.

After the voting has been concluded, the Chairman will declare the successful candidate/s duly elected and on signing their declaration of acceptance of office, the new councillor may take their seat immediately.

The successful candidate(s) must complete and provide to the Clerk, the 'registration of interests' form within 28 days which the Clerk will forward to the Monitoring Officer at Durham County Council.

If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised.

7. Diversity

In making its decisions in regard to the co-option of members, SPC members will consider and have regard to the diversity of the council as a whole. This will include factors such as (though not limited to) gender, ethnicity, sexual orientation, age, religion and geographic spread across the qualifying area.

8. Six month rule

In the event of a vacancy occurring within the six months preceding the regular parish council elections, the council shall not make a co-option and shall leave the seat vacant for the remainder of the council term.

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