

# BRACEBRIDGE HEATH PARISH COUNCIL

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## Councillor Vacancies Policy

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## 1. Introduction

- 1.1. This policy outlines the procedures in place to fill casual vacancies which arise at Bracebridge Heath Parish Council.

## 2. Qualifications to be a parish councillor

- 2.1. A person is qualified to be elected/co-opted and to be a councillor if they meet the requirements under the Representation of the People Regulations, namely being: on the relevant day (that is the day of nomination or election/co-option) they are 18 years old or over and a British, Commonwealth, Irish or European Union citizen.
- 2.2. In addition, the person must meet at least **one** of the following criteria:
  - (a) on the relevant day and thereafter they continue to be on the electoral register for the parish; or
  - (b) during the whole of the 12 months before that day they have owned or tenanted land or premises in the parish; or
  - (c) during the whole of the 12 months before that day their principal or only place of work has been in the parish; or
  - (d) during the whole of the 12 months before that day they have resided in the parish or within 4.8 kilometres of the boundary.
- 2.3. Except for qualification (a), these qualifications then continue for the full term of office, until the next ordinary elections. Certain people are disqualified from standing, and these include paid officers (including the Clerks) of the council, bankrupts and those subject to recent sentences of imprisonment.

## 3. Term of Office

- 3.1. Parish councillors hold office for a period of four years (or if elected part way through the cycle, for the remainder of that period only) and retire on the fourth day after the ordinary day of election.
- 3.2. The newly elected councillors take office (provided they have made declarations of acceptance of office) on the day on which their predecessors retire (Local Government Act, 1972, Section 16(3)). The Chair of a town/parish council continues in office until their successor becomes entitled to act in that capacity.

## 4. Causes of a vacancy

- 4.1. Casual vacancies may arise from a number of instances as listed below.
- 4.2. Casual vacancies will be filled either by means of holding a by-election or by co-opting a new Councillor to fill the vacancy. Co-option is only permitted once the vacancy has been formally advertised, to allow local electors the opportunity to call a by-election if so desired.
- 4.3. Instances where a casual vacancy may apply
  - (a) **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 Council, unless the council permits otherwise. The effective date of the vacancy is the closing date for making declarations of acceptance of office
  - (b) **Death** - the vacancy occurs on the date of the death
  - (c) **Resignation** - a councillor may at any time resign their office by written notice delivered to the chairman of the parish council. There is no special form for the notice. It is considered that an e-mail amounts to a 'written notice'. There is no procedure for withdrawing a notice of resignation once it is made and no need to report the resignation to the Parish Council for it to take effect. The resignation takes effect immediately upon receipt, and this is the effective date of the vacancy.

- (d) **Ceasing to be Qualified** – this would normally only occur where registration as an elector was the **sole qualification** of a councillor for nomination and election and where that qualification was subsequently lost because they had ceased to be on the register of electors. All other qualifications continue for the full term of office irrespective of whether they cease to exist during the term of office. The council must declare the vacancy forthwith, and the vacancy is deemed to have occurred on the date of this declaration.
- (e) **Becoming Disqualified** - through bankruptcy, office holding, surcharge, conviction, court order or being found guilty of corrupt or illegal practices in election law. The vacancy is effective from the date of the occurrence
- (f) **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 council (including committees, sub-committees or as a representative of the council), they shall, unless the failure was due to some reason approved by the council before the expiry of that period, cease to be a member of the council. The effective date of the vacancy is the date declared by the council.

## 5. Casual vacancy process

- 5.1. Co-option is only permitted once the vacancy has been formally advertised, to allow local electors the opportunity to call a by-election if so desired. Each vacancy must be formally advertised for its own period of 14 working days, even if there have been other vacancies recently advertised.
- 5.2. The Parish Clerk will notify the North Kesteven District Council in the event of any vacancies arising. A notice of vacancy shall be displayed as per the timescales set by the North Kesteven District Council. The District Council will notify the Parish Clerk of whether an election shall be held or whether the vacancy will be filled by co-option.
- 5.3. In the case of a casual vacancy occurring in the last six months before the ordinary elections, the council is required to give a notice of the casual vacancy but an election will not be held. The council may co-opt if it wishes or can leave any unfilled vacancies to be filled at the ordinary elections.
- 5.4. A Notice of Vacancy explains that ten electors of the parish in which the vacancy has occurred are required to request that an election be held to fill the vacancy. To do this, they will need to make their request in writing to *The Returning Officer, North Kesteven District Council*. A request can be posted or made by e-mail or faxed to the Returning Officer. All such details are contained in the official Notice of Vacancy.

## 6. If an election is called

- 6.1. The Returning Officer will set a date for polling day, and the election process will begin with the publication of a Notice of Election which will be displayed within the parish. That notice informs the electors where they may obtain nomination papers and the date by which they should be delivered. It gives the dates by which applications to vote by post or proxy must be made. It also gives the date of the poll in the event of a contest.
- 6.2. Once an election has been called, the vacancy can only be filled by election and not co-option. If no person is or remains validly nominated at the close of nominations, the Returning Officer shall order a further election date to fill any vacancy which remains unfilled to be held on a day appointed by him. That day shall be within the period of 35 days beginning with the day fixed as the day of election for the first-mentioned election. The Parish Council will be charged for the full cost of holding the election.

## 7. If no request to hold an election is received

- 7.1. If an election is not requested within the stipulated time (ie 14 working days since the display of the Notice of Vacancy), the Council may co-opt a councillor to fill the vacancy as soon as practicable.

## **8. Co-option applications**

- 8.1. The Council may co-opt whomever it pleases to fill a casual vacancy. **However, that person must fulfil the same criteria requirements as those qualifications for candidature for an election.**
- 8.2. The vacancy will be advertised as widely as possible within the parish including but not limited to noticeboards, local newsletters, Council's social media and website. The advertisement will include details of the eligibility criteria and the date by which prospective candidates must apply.
- 8.3. The timescale for co-opting candidates will be set by either the Full Council or the Finance and Policy committee as appropriate.
- 8.4. An equitable and transparent process will be conducted. All candidates will receive the same information, details and will be subject to the same arrangements for the co-option. To facilitate a fair process, the Council requests that anyone applying for co-option completes the co-option form appended to this policy. All candidates will be given the opportunity to address the Council at the meeting at which co-option will be considered.
- 8.5. Prospective candidates are encouraged to learn more about the position before applying to ensure that the role is right for them. All candidates are strongly encouraged to:
  - attend meetings of the Council, its committees or subcommittees before the meeting at which co-option will be considered;
  - speak to existing councillors and / or Council employees.
- 8.6. Existing councillors may approach electors to ask if they wish to offer themselves for co-option.

## **9. Co-option procedures and voting**

- 9.1. The intention to co-opt will be included on the Council's agenda.
- 9.2. When the agenda item is reached, the Chairman will propose that the Council session is suspended to enable prospective candidates to address the Council. Candidates may present or read out their letter of interest for joining the council.
- 9.3. After enabling prospective candidates to speak, the Chairman will ask for nominations, which shall be duly proposed and seconded if appropriate.
- 9.4. When all the nominations have been received, a vote shall be taken. Candidates will be considered in alphabetical order by surname.
- 9.5. The decision must be made by a majority of members who are present and voting. The Chairman or person presiding over the meeting may vote, and if there is an equality of votes they may exercise their casting vote. Members will vote according to Standing Orders which is by show of hands.
- 9.6. The Council's debate and vote on the co-option must be conducted in the public section of its meeting, unless standing orders provide otherwise. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.
- 9.7. **Voting where there are more candidates than vacancies**
  - 9.7.1. The successful candidate should have received a majority of the votes of those present and voting at the meeting where the co-option takes place. If there are more than two candidates for one vacancy, and neither at the first count receives a majority over the

aggregate votes given to the rest, steps should be taken to strike off the candidate with the least number of votes and the remainder should then be put to the vote again; this process should, if necessary, be repeated until an absolute majority is obtained.

9.7.2. For example, where there is a council of eleven members and there are nine councillors present and voting, the absolute majority is five. Where there are more than two candidates for one vacancy, this rule means that a person must get a majority of votes over all the other candidates. Where there is not a majority of votes in favour of one person, the name of the person having the least number of votes shall be deleted from the nominations and a fresh vote taken until one person does receive a majority of the votes cast.

9.7.3. A majority of votes will be made up of those present and voting; i.e. those Councillors present and voting For or Against the motion.

## **10. After the vote**

10.1. After the vote has been taken, the Chairman shall declare the candidate who received the highest number of votes duly co-opted.

10.2. The person elected must make a declaration of acceptance of office before or at the first meeting of the Parish Council after their election/co-option.

10.3. The person elected must complete a Register of Interest Form within 28 days of co-option.

10.4. If the person elected is not present at the meeting, the Parish Clerk will notify the candidates of the results as soon as is reasonably possible. This is not the duty of any Elected Member.

## **11. Vacancies after Ordinary Parish Council Elections (every 4 years)**

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

11.2. 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.

## **12. Notes**

12.1. This content within this document is based upon a study of legislation and adopted practices of District and Parish / Parish Councils (nationwide).

12.2. 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, that is, they exclude weekends and public holidays.

12.3. Legislation covering casual vacancies can be found at:  
<http://www.legislation.gov.uk/ukxi/2006/3305/article/5/made?view=plain>

## **13. Version control and amendment history**

Date approved	Version Number	Revision / amendments made	Review date
Not known	1.0	New policy	Not stated
October 2021	2.0	Full review, new template	October 2023

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## Application form for co-option to Bracebridge Heath Parish Council

Please complete this form to be considered as a candidate for membership of the Parish Council. Please return by post at the above address or by email to [clerk@bracebridgeheath-pc.gov.uk](mailto:clerk@bracebridgeheath-pc.gov.uk).

Title:

Name:

Address:

Email address:

Telephone:

Eligibility criteria		
<b>Criterion 1</b>		
<ul style="list-style-type: none"> <li>You are at least 18 years old and a British Citizen or an eligible Commonwealth</li> </ul>	Yes	No
<b>Criterion 2</b>		
<b>AND you must be able to answer 'Yes' to at least one of the following</b>		
<ul style="list-style-type: none"> <li>Are you registered as a Local Government Elector for the area of Bracebridge Heath?</li> </ul>	Yes	No
<ul style="list-style-type: none"> <li>During the while of the last 12 months have you resided in the Parish or within 3 miles of it?</li> </ul> <p>Please provide address if different from above.</p>	Yes	No
	Address if applicable:	
<ul style="list-style-type: none"> <li>During the whole of the last 12 months has your main place of work been within the Parish?</li> </ul> <p>Please provide address of employer if applicable.</p>	Yes	No
	Employer's address if applicable:	
<b>Disqualifications</b>		
<p>Reasons for disqualification include (but 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; or being found guilty of corrupt or illegal practices in election law.</p> <p>More information about disqualifications can be found at: <a href="https://www.local.gov.uk/be-councillor/becoming-councillor">https://www.local.gov.uk/be-councillor/becoming-councillor</a></p>		

Bracebridge Heath Parish Council seeks to co-opt fellow members of the community who are team players, willing to contribute their own ideas whilst respecting those of others and accepting majority decisions. Experience of serving on a council or with other voluntary groups may be useful. Please use this form to explain how your background and skills may enable you to contribute to the activities of the parish council.

We encourage all prospective candidates to attend meetings of the Parish Council prior to completing the application form. This gives candidates a better idea of the role of a Councillor and insight into the functions of the Council. We also encourage prospective candidates to contact existing members of council to discuss the role.

**Brief Curriculum Vitae (You may attach a separate document)**

**Motivations to be an elected representative**

**Previous community / voluntary / council work**

**Your skills which may be useful as a councillor**

Name.....

Date.....

Signed .....