

<b>PURTON PARISH COUNCIL</b>	<b>COUNCILLOR VACANCIES</b>
<b>APPROVED BY COUNCIL:</b> ...12-2-2024 <i>This policy will be reviewed once every 5 years unless there is a significant change in legislation or staffing requirements</i>	
<b>Signed by Clerk:</b>	<b>Dated:</b>

## **COUNCILLOR VACANCIES**

This document is intended as a summary of the most relevant points of procedure and legislation rather than a definitive exposition.

## **QUALIFICATION**

to be able to stand as a Parish Councillor, an applicant must:

- be at least 18 years old on the day of nomination
- be a British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union
- meet at least one of the following four qualifications:
  - i) They are, and will continue to be, registered as a local government elector for the parish from the day of their application onwards.
  - ii) They have occupied as owner or tenant any land or other premises in the parish during the whole of the 12 months before the day of their application.
  - iii) Their main or only place of work during the 12 months prior to the day of their application has been in the Parish.
  - iv) They have lived in the parish or within three miles of it during the whole of the 12 months before the day of their application.

## **DISQUALIFICATION**

Apart from meeting the qualifications for standing for election, they must also not be disqualified from standing. There are certain people who are disqualified from being elected to a parish council. They cannot be elected if at the time of their application:

- i) They are employed by the Parish Council.
- ii) They are the subject of a bankruptcy restrictions order or interim order.
- iii) They 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 the day of their application.
- iv) They have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations) or under the Audit Commission Act 1998.

The full range of disqualifications is complex and if the applicant is in any doubt about whether they are disqualified, they must do everything they can to check that they are not disqualified before submitting an application. It is a criminal offence to make a false statement on the application as to their qualification for being elected, so if they are in any doubt they should contact their employer, consult the legislation or, if necessary, take independent legal advice. The Returning Officer will not be able to confirm whether or not they are disqualified.

## **RESIGNATION**

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A councillor may resign at any time by written notice delivered to the Clerk to the Parish Council. The resignation must be accepted: there is no procedure for withdrawing a notice of resignation once it is made. The resignation takes effect immediately upon receipt, even if some future date has been specified in the letter of resignation.

**OTHER CAUSES OF VACANCY**

Death, failure to sign the Declaration of Acceptance of Office, and failure to attend meetings for a period of six consecutive months without prior approval of the Parish Council.

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**PROCEDURE FOR CASUAL VACANCIES**

When a vacancy arises on the Parish Council after:

- a Councillor’s resignation
- death of a Councillor
- disqualification of a Councillor
- failure of a Councillor to remain qualified,

the process to fill the vacancy is as follows:

- The Clerk must notify the Returning Officer at Wiltshire Council of the vacancy. Then either:
- The Parish Council must display a Casual Vacancy Notice, from Wiltshire Council, informing the residents of the parish of the vacancy. The notice will run for 14 days (not counting weekends or bank holidays) from the date it is displayed on parish notice boards and gives the residents the opportunity to call for an election to fill the vacancy during this period.
- Or, 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.

During the period of fourteen days indicated on the notice 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. If an election is not called the Parish Council is notified by the Returning Officer and must fill the position by co-option as soon as practicable.

If fifteen, or fewer, valid nominations were received for the Parish Council quadrennial elections, all those validly nominated will be declared elected. If enough Councillors were elected to form a quorum (3), the Parish Council should fill any remaining vacant seats by co-option.

There is no statutory requirement to give public notice of local council vacancies which remain unfilled after an ordinary election (s.21(2) Representation of the People Act 1985).

The Parish Council might at its discretion give public notice of vacancies which arise in these circumstances to encourage transparency and to attract more applicants. The co-option procedure will be as described in this document.

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**CO-OPTION**

Although the process for co-option is not prescribed in law it is important that all applicants be treated alike so that the arrangements are seen as open and fair.

The co-option process adopted by Purton Parish Council is as follows:

- (1) The Parish Council will advertise the vacancy (or vacancies) on the Parish Council noticeboards, on the website and all Social Media sites available to the Council and if time permitting in the local magazine.

**It is permissible for Parish Councillors (or any parishioner) to approach individuals to suggest that they might wish to consider putting their names forward for co-option.**

- (2) The applicant will complete an ‘Application for Co-option’ form (see appendix 2)
- (3) When an application is received, the Clerk to the Parish Council will consider the application, check that the individual meet the qualification requirements, and confirm that, if successful, they would be willing to accept the Code of Conduct and other obligations of a Parish Councillor. The Clerk does not form any part of the selection process, only to check the eligibility of the candidate.
- (4) Applicants will be invited to submit a short submission with a brief CV providing reasons why they should be considered for the vacancy. These submissions will be circulated to all Parish Councillors before the meeting at which the decision will be made.
- (5) Applicants will be invited to meet with as many Councillors as possible prior to the Parish Council meeting at which the Parish Council will make its decision on the co-option. The purpose of this meeting will be to determine the applicant’s suitability by reference to the Person Specification (Appendix 1) and to respond to any question which the applicant might have.
- (6) Applicants will be informed of the date of the meeting at which the Parish Council will make its decision on the co-option.

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**CO-OPTION MEETING**

Notice of the intention to co-opt should be included in the agenda for the meeting of the Parish Council either beneath a dedicated heading or within ‘Councillor Vacancies’ or similar.

Applicants may be invited to the meeting to introduce themselves and to provide Councillors with the opportunity to ask questions of them, or the Parish Council can decide to rely on the written submissions alone/and or one to one interviews with set Councillors, namely the Chairman of Council, Vice Chairman and Clerk.

Applicants are invited to speak at the co-option meeting if they wish, but are not required to and can also attend as members of the public.

**CO-OPTION VOTING PROCESS**

The person co-opted must receive a majority of the votes of those Councillors present and voting at the meeting where the co-option takes place.

Where there are two or more applicants for one vacancy, this rule means that a person must get a majority of votes over all the other applicants. Thus, where applicant A receives four votes, and applicants B and C receive three votes and one vote respectively, A is not elected because he has the same number of votes as B and C put together and does not have a majority over their combined votes. Where there are more than two applicants it is desirable to eliminate the applicant with the least number of votes, so that the final vote is between two applicants only.

**AFTER THE VOTE**

- i) The Clerk will notify the applicants of the results as soon as practicable (unnecessary if they attend the meeting).
- ii) Successfully co-opted applicants become Councillors in their own right, with immediate effect having signed their Declaration of Acceptance of Office and are no different from any other member. Their term of office runs until the next quadrennial elections for the Parish Council.
- iii) If the candidate is unsuccessful and the Council do not vote to co-opt, the minute must reflect the number only and the non-co-option no reasons are required to be given or minuted.

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<b>COMPETENCY</b>	<b>ESSENTIAL</b>	<b>DESIRABLE</b>
Relevant knowledge, education, professional, education, professional qualifications & training	Sound knowledge and understanding of local affairs and the local community	Specific vocational training or professional qualification (eg: accountant, teacher, surveyor, architect)
Experience, Skills, Knowledge & Ability	Solid interest in local matters	Knowledge of HR, procurement, contract management, financial control or risk management and compliance, public relations
	Ability and willingness to represent the Council and their community in a professional united manner showing no personal interest or gain in the matter	Experience of working in another public body or not for profit organisation
	Good interpersonal skills	Experience of working with voluntary and or local community/ interest groups
	Ability to communicate clearly both orally and in writing, listening to debate, information provided before making decisions	Basic knowledge of legal issues relating to town and parish councils or local authorities
	Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff, respecting each opinion and being courteous at all times	Experience of delivering presentations
	Good reading and analytic skills	Experience in financial control/budgeting
	Ability and willingness to work with the Parish Council's partners (e.g. voluntary groups, other parish councils, principal authority, charities)	Experience of working with the media
	Ability and willingness to undertake relevant training	Experience of staff management
	Ability to work under pressure	
Other requirements	Ability and willingness to attend meetings of the council (or the meetings of other local authorities and local bodies) in the evening and events in the evening and at weekends	
	Flexible, enthusiastic	
	Ability to respect others opinions and not to challenge without just cause, to show compassion	
	To be considered as a role model in the community, not be bring disrepute to the Council in any shape or form through business or pleasure activities	

## **APPENDIX 2 – APPLICATION FOR CO-OPTION**

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<b>APPLICATION FOR CO-OPTION TO PURTON PARISH COUNCIL (2)</b>
<p>I [ _____ ] (1) of  [ _____ ] (2)</p> <p>Hereby apply for co-option to Purton Parish Council.  I declare that on the date of application shown (3) below:-</p> <ul style="list-style-type: none"> <li>• I am at least 18 years old</li> <li>• I am a British citizen, an eligible commonwealth citizen or a citizen of any other member state of the European Union</li> <li>• I meet at least one of the following four qualifications (tick as appropriate)</li> </ul> <p>a) I am registered as a local government elector for the Parish of Purton in respect of the qualifying address shown at (2) above</p> <p>b) I have occupied as owner or tenant any land or other premises in the parish during the whole of the 12 months before the day of this application (shown at (3) below)</p> <p>c) My main or only place of work during the 12 months prior to the day of this application (shown at (3) below) has been in the Parish.</p> <p>d) Have lived in the Parish or within three miles of it during the whole 12 months before he day of this application (shown at (3) above)</p> <p>e) Have lived in the Parish or within three miles of it during the whole 12 months before the day of this application (shown at (3) below)</p> <p>Show address in full if different to address shown in 2 above</p> <p>I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, section 80 of the Local Government Act 1972, section 78A of the Local Government Act 2000 or section 34 of the Localism Act 2011.</p> <p>Applicants Signature :</p> <p>Date (3) :</p>

- (1) Insert the full name of the person making the application  
(2) Insert the address of the person making the application