

BURGHCLERE PARISH COUNCIL

Portal Hall, Church Lane, Burghclere, RG20 9HX

Email: clerk@burghclerepc.com Tel: 07851 956078

Casual Vacancy Co-option Procedure

A casual vacancy arises if a councillor fails to make and deliver a Declaration of Acceptance of Office, becomes disqualified, resigns or dies. The guidance below describes the appropriate procedure to follow:

1. Resignations

A councillor may resign from their position at any time, by written notice which should be submitted to the chairman. The resignation takes immediate effect upon receipt of notice by the Chairman and once a resignation has been made, there is no procedure for its withdrawal.

If the councillor resigning is the chairman, the resignation must be notified to the council. If the council has a vice chairman then they should assume the role of chairman until a new chairman is elected. The Local Government Act 1972 states that a council shall consist of a chairman and councillors and therefore the council is not properly constituted and may not be able to function lawfully until a new chairman is elected. This should therefore be done at the earliest opportunity and should be the first point of business at the next full meeting of the council.

2. Notice

Upon receipt of the information that a casual vacancy has occurred, the clerk must immediately put up a Notice of Casual Vacancy for a councillor. This should be placed on parish noticeboards and on the website. The effective date of the vacancy is as follows:

Failure to accept office:	Closing date by which the declaration should be made
Resignation:	Date resignation is made
Death:	The day of death*
Becoming disqualified:	As soon as possible following disqualification
Failure to attend meetings:	On the date declared by the council

**In the case of a death, it is customary to wait until after the funeral has taken place before the notice is published as a mark of respect.*

It is not necessary to set out the cause of the vacancy on the notice, but it must be sent immediately to the Electoral Services at Basingstoke & Deane Borough Council. If insufficient requests for an election have been received within 14 days, then the parish council may go ahead and co-opt.

3. Vacancy six months BEFORE Parish Elections:

Where a casual vacancy occurs in the last six months before an ordinary election, the parish council must still give notice to Basingstoke & Deane Borough Council but an election (if requested) is not held. Instead, the parish council may co-opt to fill the vacancy. There is no need, in these circumstances, to advertise the vacancy.

4. Qualifications to be a Parish Councillor

The clerk should check that any candidate applying to be co-opted meets the criteria to be a parish councillor. They should ask prospective candidates to complete an application form¹ and sign a document stating that they meet the following requirements of the Local Government Act 1972, s.79(1):

¹ Attached at Appendix A

- They must be a British, Commonwealth, Republic of Ireland or European Union citizen and must be aged 18 or over.

In addition, they must meet at least one of the following criteria:

- On the relevant day and thereafter they continue to be on the electoral register for the parish, or
- During the whole of the twelve months before that day they have owned land or premises in the parish, or
- During the whole of the twelve months before that day their principle or only place of work has been in the parish, or
- During the whole of the twelve months before that day they have resided in the parish or within 4.8 kilometres of it.

Certain people are disqualified from standing, these include employees of the Parish Council, bankrupts and those subject to recent sentences of imprisonment (within last 5 years prior to date of election) A person is also disqualified if they are subject to any relevant notifications or a relevant order under the Sexual Offences Act 2003

5. Co-option procedure at council meeting

Prospective candidates are required to complete an application form detailing any relevant experience and why they wish to be a councillor. They will then be invited to meet with the Chairman and one other councillor on an informal basis.

Co-option must be an agenda item for a full meeting during which members will have sight of the completed form. Councillors present at the meeting must then decide if they wish to nominate any of the applicants or any other person known to them. Only councillors present at the meeting may nominate, second or vote upon a person to fill the vacancy. There is no obligation upon any councillor to nominate any of the applicants if they do not consider the person suitable. Each candidate must be nominated by a councillor, and provided the nomination is then seconded, that person can be voted upon by show of hands. The chairman of the meeting may exercise their casting vote in the event that there is an equality of votes.

If there is only one vacancy, then:

- A councillor may only nominate or second one candidate.
- The chairman puts the names of the those nominated into alphabetical and takes a vote.
- Councillors have only one vote each
- The first candidate to receive an absolute majority of those present and voting is declared elected.

In the event of no single candidate receiving a majority on the first vote, the person with the lowest number of votes is eliminated, and voting takes place on the remainder. This continues until one person receives an absolute majority.

- If there is more than one vacancy, then:
- A councillor may nominate one person for each seat
- Each councillor has one vote per seat i.e., two votes or three votes according to the number of vacancies The same procedure as specified above is used to fill each separate vacancy
- The successful candidate(s) are then declared co-opted

The co-option process must take place in an open council meeting. Candidates may wish to be present and there is no reason to prevent this.

Successful candidates will be summoned to attend the next full meeting of the council by which time they must have signed the Declaration of Acceptance of Office and read and understood the Code of Conduct adopted by the council.

The clerk should inform Basingstoke & Deane Brough Council of the name(s) of the successful candidate(s). All new councillors must, within 28 days of election to office, register their interests with Basingstoke & Deane Borough Council.

Date of approval: **3rd April 2023**

Date to be reviewed: **April 2024**

In order to be eligible for co-option as a Burghclere Parish Councillor you must satisfy certain criteria. You must satisfy a. and b. below and at least one of the options c. to f. Please tick which apply to you:

- I am 18 years of age or over; and
- I am a British citizen or a citizen of the Commonwealth or a citizen of any other member state of the European Union; and
- I am registered as a local government elector for Burghclere; or
- I have, during the whole of the twelve months preceding the date of my co- option occupied, as owner or tenant, land or other premises in Burghclere; or
- My principal or only place of work during those twelve months has been in Burghclere; or
- I have during the whole of those twelve months resided in Burghclere or within 3 miles of it

Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being a Parish councillor if he/she:

- Is employed by the Parish Council or holds paid office.
- Is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or a debt relief restrictions order or an interim debt relief restrictions order; or
- Has within five years before the day of co-option, or since his/her co-option, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine; or
- Is otherwise disqualified under Part III of the Representation of the People Act 1983 (relating to corrupt or illegal electoral practices and offences relating to donations) or the Audit Commission Act 1998.
- Is subject to any relevant notifications or a relevant order under the Sexual Offences Act 2003.

Use of Personal Information

Burghclere Parish council will use the information provided on this form to assess your eligibility to be a Town Councillor.

Declaration & Consent

I..... hereby confirm that I am eligible for the vacancy of Burghclere Parish Councillor and I am not disqualified under s80 of the Local Government Act 1972 from being a parish/town councillor and that the information given on this form is true and correct. I have read the section entitled 'Use of Personal Information' and by signing this form I consent to the use and disclosure of my information included in this form.

Signature..... Date.....

Please return the completed form by post or email to:

Burghclere Parish Council, c/o Portal Hall, Church Lane, Burghclere, RG20 9HX

Email: clerk@burghclerepc.com