

## KIRKBY LA THORPE PARISH COUNCIL

### Councillor Vacancy Policy

For the purpose of openness and transparency, Kirkby La Thorpe Parish Council (the “Council”) will endeavour to fill any vacancy (vacancies) at the earliest opportunity.

#### **Qualifications:**

To be a Parish Councillor (“Councillor”) , a candidate must be either:

- British;
- A Commonwealth National;
- An Irish or European Union citizen;

and

18 years of age or over, and fulfil one or more of the following criteria:

- being on and remaining on the register of electors for the Parish: or during the whole of the twelve months preceding the nomination;
- have lived in, worked in or lived within 3 miles of the parish boundary.

Should a candidate only meet the criteria of point 1 above, on the nomination form and subsequently come off the register of electors, the qualification would lapse.

The other three qualifications remain valid for the four-year term, so even if a successful candidate left the parish s/he would not be required to resign, although it might be considered appropriate to do so.

#### **Resignation**

A Councillor may resign at any time by giving written notice, addressed and delivered to the Chairman of the Council. The Chairman must accept the resignation and there is no legal procedure for withdrawing a notice of resignation once delivered and accepted. Resignation takes effect immediately on receipt and cannot be post-dated.

#### **Disqualification**

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.

#### **Other Causes of Vacancy**

- Death;
- Failure to sign a Declaration of Acceptance of Office;
- Failure to attend meetings for a period of six consecutive months.

### **Procedure for Filling Casual Vacancies**

When a vacancy arises on the Council following:

- A Councillor's Resignation;
- Disqualification or Failure to remain qualified;
- Death

The Parish Clerk must notify the Returning Officer at North Kesteven District Council of the vacancy; then, the Parish Council must display a notice informing the residents of the parish of the vacancy. The notice will run for 14 working days (excluding weekends and bank holidays) from the date it is displayed on Council notice boards, giving the residents of the Parish the opportunity to call for an election to fill the vacancy during this period. The Council will also post the notice on its website.

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 Council may fill the vacancy by co-option, or the seat remains vacant.

**Calling an Election** - During the period of fourteen days from the date the public notice of the vacancy was displayed, seven electors from the parish can call for an election to be held to fill the vacancy. They must make their request in writing to the Returning Officer (via the Parish Clerk if required).

If such a request is received within the 14 days, the Returning Officer will set a date for the election (which must be within 60 days of the date of the vacancy notice).

Notices will be displayed announcing the election and explaining how to apply to be a candidate for election. The cost of any election is by North Kesteven District Council. If there are not enough nominated candidates at the election to fill the vacancies, a further election must be called. Co-option is not an option. If an Election is Not Called the Council will be notified by the Returning Officer and must fill the position by co-option as soon as practicable.

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

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

If enough Councillors are elected to form a quorum (4), 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.

### **Co-option**

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

i) The Council will only consider any interested applicants who have gone through the nomination / election process; If those persons do not wish to be considered for co-option, or those candidates are considered unsuitable by the Council;

then:

ii) The Council will advertise the vacancy (or vacancies) on the Council noticeboards and website.

The notices will include:

- The contact details of the Parish Clerk to enable prospective co-option candidates to obtain further information on the role of a Councillor;
- Details of the co-option process;
- The closing date for all expressions of interest.

The Council can legally approach individuals to suggest that they might wish to consider putting their names forward for co-option. When the applications are received, the Parish Clerk will review all application details and carefully check that applicants meet the qualification requirements, and confirm that, if successful, their willingness to accept the Code of Conduct and other obligations of a Councillor.

Candidates will be informed of the date of the meeting at which the Council will make its decision on the co-option.

### **Co-option within Full Council Meeting**

Notice of the intention to co-opt must be given in the appropriate agenda for a meeting of the Council. Candidates may be invited to the meeting to introduce themselves and to provide Elected Councillors the opportunity to ask questions of them; the Council retain the right to rely on written submissions alone.

If candidates are not invited to speak at a full council meeting, they are welcome to (but not required to) attend as members of the public.

### **Co-option Voting Process**

If there are equal or fewer candidates than vacancies, the Council can vote on a composite motion, duly proposed and seconded, that all candidates be co-opted.

If there are more proposed and seconded candidates than seats, it will be necessary for existing Councillors present at the meeting to vote and reduce the number of candidates until it equals the number of vacancies..

### **After the Vote**

i) If the candidate is not present then the Parish Clerk will notify the candidates of the results by telephone and email, as soon as is reasonably possible (usually within 24 hours); this is not the duty of any Elected Member. If the candidate is present they may join the meeting as a Councillor on signing the Appointment of Office form.

ii) Successfully co-opted candidates become Councillors in their own right with immediate effect and are no different to any other member. As such, they must sign a Declaration of Acceptance of Office and complete and return a Register of Interests Form at their first meeting, or within 28 calendar days of election, whichever is the sooner. Their term of office runs until the next quadrennial elections for the Council.

This content within this document is based upon a study of legislation and adopted practices of District and Parish / Town Councils (nationwide) and follows advice from the Lincolnshire Association of Local Councils. 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.

Legislation covering casual vacancies can be found at:

<http://www.legislation.gov.uk/uksi/2006/3305/article/5/made?view=plain>

<http://www.legislation.gov.uk/uksi/2006/3305/schedule/2/made>