

## **Prudhoe Town Council: Co-option Process for Town & Parish Councils**

### **Advice regarding co-option process to be followed**

Where a town or parish council is entitled to proceed to the co-option of councillor(s), the following excerpt from an Advice Note, provided by the Society of Local Council Clerks, is relevant to the process to be followed by local councils.

“If, once the Vacancy has been advertised, your local County or District Council has confirmed that no requests have been made for a bye-election, you can then advertise the vacancy for co-option instead of election. You can advertise the vacancy using the following form including all the qualifications which anyone applying has to meet. A full list of the qualifications is on page 29 of the Clerk's Manual.”

[The list of qualifications and disqualifications for office is supplied as a Note to this paper.]

“Your members may know someone who is interested in being co-opted onto the Council and if this is the case, they should tell the person to write to you expressing an interest.

You will need to check the date of the next election with your Elections Officer [the Returning Officer, NCC] as the term of office for any co-opted member will not run beyond this date.

If your parish is warded then you will insert the name of the Ward in which the vacancy has arisen.

[Specimen Notice]

#### XXXXXX PARISH COUNCIL NOTICE OF CASUAL VACANCY

Notice is hereby given that by reason of the resignation of xxxxxx a vacancy has occurred among the members of the Parish Council. Any person willing to fill this vacancy should apply to the Clerk in writing on or before the xxxxx (I normally insert a date which falls about 10 days before the next Council Meeting) The applicant's name must appear on the current register of the Voters List or the applicant should during the whole of the twelve months preceding the relevant date have resided in or within three miles of the parish or the applicant's only place of work during the whole of the twelve months preceding the relevant date is in the parish. The applicant must not be debarred from standing as a Councillor. PUBLIC elections cannot be held until the year (insert date of next election) but for the interim period the present sitting Councillors may co-opt to fill the vacancy.

xxxxxxxxxxx

Clerk

Address

Date

If you have more than 1 candidate, the members would have to consider and vote for each applicant. If only 1 candidate applies, the Council must still consider whether or not to co-opt that person.

I normally write to any candidates as follows:-

*I refer to your application for the position of Councillor. Your application will be considered by the members at the next Council Meeting to be held on xxxxxxxxxxxx at xxxxxxxxxxxx*

*You are invited to attend prior to the meeting to meet members and to give a short presentation (3/4 minutes) on why you would like to be a parish councillor and what you feel you can offer to the community.*

*The meeting will commence at 7.30 pm and we look forward to meeting you at 7.15 pm.*

You can adapt this to suit your circumstances and if you have more than 1 candidate.

If there is 1 candidate and he is co-opted, then he has to sign Declaration of Office at the meeting, if he is present, before he can take office. Any application could of course, be considered in the applicant's absence, but members would need to agree for him/her to sign Declaration of Office either before or at the next meeting. (If they cannot attend the next meeting, it would need to be before). You should confirm the date that their term of office will terminate.

You should write to your Monitoring Officer and Elections Officer advising them of the successful candidate. Your successful candidate should receive a copy of your Standing Orders, Financial Regulations, anything else you might have, such as a copy of the Good Councillors Guide and any useful information such as a list of all the members' names, addresses and telephone numbers."

### **Note: Qualifications for standing for election to town and parish councils**

*This information is taken from Local Elections in England and Wales: Guidance for candidates and agents, published October 2016 by the Electoral Commission*

#### **“Qualifications for standing for election**

1.1 To be able to stand as a candidate at a local government election in England and Wales you must:

- be at least 18 years old
- be a British citizen, an eligible Commonwealth citizen [An eligible Commonwealth citizen is a Commonwealth citizen who either: does not need leave to enter or remain in the United Kingdom, or has indefinite leave to remain in the United Kingdom Local elections] or a
- citizen of any member state of the European Union, and meet at least one of the following four qualifications:
  - a. You are, and will continue to be, registered as a local government elector for the local authority area in which you wish to stand from the day of your nomination onwards. See paragraph 1.9 for further information.
  - b. You have occupied as owner or tenant any land or other premises in the local authority area during the whole of the 12 months before the day of your nomination and the day of election. For more details, see paragraph 1.10.
  - c. Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the local authority area. More information is provided in paragraph 1.17.
  - d. You have lived in the local authority area during the whole of the 12 months before the day of your nomination and the day of election. See paragraph 1.18 for further details.

## Disqualifications

1.2 Apart from meeting the qualifications for standing for election, you must also not be disqualified.

The full range of disqualifications is complex and if you are in any doubt about whether you are disqualified, you must do everything you can to check that you are not disqualified before submitting your nomination papers.

You must be sure that you are not disqualified as you will be asked to sign one of the required nomination papers to confirm that you are not disqualified.

It is a criminal offence to make a false statement on your nomination papers as to your qualification for being elected, so if you are in any doubt you should contact your employer, consult the legislation or, if necessary, take your own independent legal advice.

The Returning Officer will not be able to confirm whether or not you are disqualified.

1.3 There are certain people who are disqualified from being elected to a local authority in England and Wales. You cannot be a candidate if at the time of your nomination and on polling day:

- a. You are employed by the local authority or hold a paid office under the authority (including joint boards or committees). Note that you may be 'employed by the local authority' if, for example, you work at certain schools, fire services, police or health services. This list is not exhaustive. For further information, see paragraph 1.20.
- b. You hold a politically restricted post. For further details, see paragraph 1.27.
- c. You are the subject of a bankruptcy restrictions order or interim order. For more information, see paragraph 1.30.
- d. You are the mayor for a combined authority area that the local authority is a part of. The only exception to this is where the combined authority mayoral election and the election of councillors falls on the same day. In that case, you may stand at both contests. However, if you are elected at both, a vacancy in the office of councillor will automatically arise.
- e. You 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 polling day.
- f. You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations). The disqualification for an illegal practice begins from the date a person has been reported guilty by an election court or convicted and lasts for three years. The disqualification for a corrupt practice begins from the date a person has been reported guilty by an election court or convicted and lasts for five years.

1.4 A person may also be disqualified from election if they have been disqualified from standing for election to a local authority following a decision of the First-tier Tribunal (formerly the Adjudication Panel for England) or the Adjudication Panel for Wales."

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