**SIDLESHAM PARISH COUNCIL - CASUAL VACANCY CO-OPTION POLICY**

**INTRODUCTION**

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Sidlesham Parish Council. The co-option procedure is entirely managed by the Parish Council, and this policy will ensure that a fair and equitable process is carried out.

**CO-OPTION**

The co-option of a parish councillor occurs in two instances:

1. When an ordinary vacancy has arisen on the Parish Council after the ordinary elections held every four years;
2. When a casual vacancy has arisen on the Parish Council and no election has been called.

**Ordinary Vacancy**

An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the Parish Council at the ordinary elections held every four years. Any candidates who were nominated are automatically elected to the Parish Council and any remaining vacancies are known as “ordinary vacancies”. Provided there are enough parish councillors to constitute a quorum (paragraph 12 of Part II of Schedule 12 to the Local Government Act provides that three or one third of the total number of Parish Councillors, whichever is greater, is necessary for a meeting to have a quorum), the Parish Council is usually able to co-opt a volunteer to fill the vacancies.

**Casual Vacancy**

A casual vacancy occurs when:

* A councillor fails to make his declaration of acceptance of office at the proper time;
* A councillor resigns;
* A councillor dies;
* A councillor becomes disqualified; or
* A councillor fails for six (6) months to attend meetings of a council committee or sub- committee or to attend as a representative of the council a meeting of an outside body.

Whatever the reason for the vacancy, certain action must be taken by Sidlesham Parish Council to fill it; the requirements being imposed by Sections 88 and 89 of the 1972 Act and by the relevant election rules. The actual procedure for filling the vacancy is prescribed in Rule 8 of the Local Elections (Parishes and Communities) Rules 1986 and involves a two-part process giving the possibility of filling the vacancy either by election or by co-option.

**Casual Vacancies within 6 Months of Parish Council Elections**

Should a casual vacancy occur within 6 months of the Parish Council elections that occur every 4 years, when all current parish councillors formally retire, then the legislation regarding the filling of a vacancy is different from the usual requirements.

The Parish Council has two options available.

1. The first option is not to fill the vacancy and wait for the election of parish councillors on Election Day. If this option is decided on, a public notice must be displayed informing electors of the fact that there is a vacancy but that the Parish Council will not be filling it.

2. The second option is for the Parish Council to decide to try and fill the vacancy. A notice should be displayed inviting people who are interested in being considered for the position of parish councillor to contact the Clerk. The notice should not include any reference to ten electors having the right to require that the vacancy be filled by an election. The Parish Council can then consider any applications received and determine whether they should fill the vacancy. However, the Parish Council is not obliged to fill it. Should the Parish Council fill the vacancy under this option the person co-opted should be informed that they will only serve until the next elections and if they wish to stand after that date, they will need complete the nomination process along with other candidates which will commence 3 months prior to the elections.

**Casual Vacancies outside 6 Months of Parish Council Elections**

Should any vacancies occur outside of 6 months of the next Parish Council Elections, Section 87(2) of the 1972 Act requires the Parish Council to give Public Notice about it as soon as practicable. This notice must be posted on the parish notice boards and parish website. A copy of the notice should always be sent to Chichester District Council’s Returning Officer as soon as it is posted so that the latter is aware in advance of the possibility of an election request.

During a period of 14 days after the posting of the Notice (excluding weekends, bank holidays, etc.) it is possible that 10 electors from the Parish may request an election, this request should be delivered to the Returning Officer. Such request will mean that the vacancy should be filled by an election.

If a request for election is validly made no further action is required by the Parish Council as it is the Returning Officer’s duty to ensure that the election is held within 60 days from when the Public Notice of the vacancy was given. This period is again calculated without the inclusion of weekends, bank holidays, etc. Once this date has been fixed then a Notice of Election is posted by the Returning Officer and the nomination period commences. If there are more candidates than vacancies, then a poll will be held. However, if the number of candidates matches the number of vacancies, then the poll will not be held, as it will be treated as an uncontested election.

If, no request for an election is received by the Returning Officer because of the posting of the Notice of Vacancy then the Returning Officer will advise the Parish Council that it must take the necessary action to co-opt a person to fill the vacancy.

**POST CONFIRMATION OF CO-OPTION**

It is entirely a matter for the Sidlesham Parish Council to decide how to co-opt a new councillor, as there are no particular legal requirements, but the decision as to who the co-opted person must be the subject of a resolution at a Parish Council meeting, as with any other normal business. Such a co-opted person must also complete the Declaration of Acceptance of Office before he/she may lawfully act in the capacity of a Parish Councillor and will serve on the parish council until the next main election.

**CO-OPTION PROCESS**

On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, the casual vacancy can be filled by means of co-option. The Clerk will:

* Advertise the vacancy for four weeks (or such other period as the Parish Council may agree) on the Parish Council notice boards and website.
* Inform Chichester District Council that the co-option policy has been instigated

This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office has confirmed that there were insufficient nominations to fill all the seats but there are sufficient parish councillors elected to constitute a quorum.

**ELIGIBILITY OF CANDIDATES**

The Parish Council can consider any person to fill a vacancy provided that they:

* are at least 18 years old.
* are a British citizen, an eligible Commonwealth citizen, a citizen of the Republic of Ireland, a qualifying EU citizen or an EU citizen with retained rights.
* meet at least one of the following four qualifications:
  + They are, and will continue to be, registered as a local government elector for the parish in which they wish to stand from the day of their nomination onwards.
  + They have occupied as owner or tenant any land or other premises in the parish area during the whole of the 12 months before the day of their nomination and the day of election.
  + Their 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 parish area.
  + They have lived in the parish area or within three miles of it during the whole of the 12 months before the day of their nomination and the day of election.

*(Electoral Commission Guidance for Candidates at Parish council elections in England dated 15 Oct 2024”)*

There are certain disqualifications for being a parish councillor, of which the main are (see s80 of the Local Government Act 1972):

* holding a paid office or employment under the Parish Council;
* bankruptcy;
* having been sentenced to a term of imprisonment (whether suspended or not) of not less than

three months, without the option of a fine during the preceding five years; or

* being disqualified under any enactment relating to corrupt or illegal electoral practices.

**APPLICATIONS**

Candidates will be requested to:

* Attend at least one Parish Council meeting as observers;
* Confirm their eligibility for the position of parish councillor within the statutory rules, (a copy of the eligibility form is attached as Appendix A).
* Submit information about themselves; by way of completing a short application form (a copy of the application form is attached as Appendix B);

The “Person Specification” for a Sidlesham Parish Councillor is at Appendix C for the guidance of both the candidate and councillors.

Following receipt of applications, the next suitable Parish Council meeting will have an agenda item: 'To receive written applications for the office of Parish Councillor and to co-opt a candidate to fill the existing vacancy'. Eligible candidates will be invited to attend the meeting.

Copies of the eligible candidates’ applications will be circulated to all parish councillors by the Clerk at least 3 clear days prior to the meeting of the full Parish Council, when the co-option will be considered.

All such documents will be treated by the Clerk and all parish councillors as strictly private and confidential.

**AT THE CO-OPTION MEETING**

At the co-option meeting, the Clerk will confirm that each candidate is qualified to become a Councillor and is not disqualified from being a Councillor as set out in the Local Government Act 1972 s79 and s80. Candidates will then be given five minutes maximum to introduce themselves to the parish councillors, give information on their background and experience and explain why they wish to become a member of the Parish Council.

As soon as all candidates have finished giving their submissions, the Parish Council will proceed to a vote with each candidate being proposed and seconded by the councillors in attendance, and a vote by a show of hands (LGA 1972 Sch. 12. Para 13). If there are more than two candidates and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process.

Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority.

For a candidate to be co-opted to the Parish Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). The Chairman has a casting vote and can decide to halt the voting if no majority appears to be achievable

The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken. However, where the Parish Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Parish Council should resolve to exclude the members of the press and public.

If present, a candidate who is co-opted will sign at the co-option meeting a Declaration of Acceptance of Office, including an undertaking to abide by the Parish Council’s Code of Conduct, and may take office thereafter.

If not present, a co-opted candidate will sign the Declaration of Acceptance of Office either before or at the next meeting of the Parish Council.

The Clerk will notify Chichester District Council Electoral Services Office of the co-option of the new parish councillor.

The co-opted parish councillor will complete a Notification of Disclosable Pecuniary and Other Interests form which will be held by the Clerk, who will liaise with Chichester District Council’s Monitoring officer as required.

If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.

**Sidlesham Parish Council Co-option Eligibility Form**

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| 1. **In order to be eligible for co-option as a councillor for Sidlesham Parish Council you must satisfy certain criteria.**  **You must be able to answer “Yes” to a and b below, and “Yes” to at least one of the options c to f.**  a) I am 18 years of age or over; and (Y/N)  b) I am a British citizen or a citizen of the Commonwealth or a citizen of any other member state of the European Union; and (Y/N)  c) I am registered as a local government elector for the parish; or (Y/N)  d) 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 the parish; or (Y/N)  e) My principal or only place of work during those twelve months has been in the parish; or (Y/N)  f) I have, during the whole of those twelve months, resided in the parish or within 3 miles of it (Y/N) |

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| 2. **Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being a parish councillor if he/she:**  a) Is employed by the parish council or holds paid office under the parish council (including joint boards or committees);  b) Is employed by an entity controlled by the parish council;  c) 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  d) 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  e) 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. |

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| **Use of Personal Information.**  The Parish Council will use the information provided on this form to assess your eligibility to be a parish councillor. Following the completion of the co-option process only the Declaration and Consent of co-opted candidates will be retained. |

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| **Declaration and Consent**  I………………………………………………………………………………………………. (Print)  hereby confirm that I am eligible for the vacancy of Sidlesham Parish Council Parish Councillor and I am not disqualified under s80 of the Local Government Act 1972 from being a parish 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 ……………………………………………………… (Electronic signature permitted)  Date ……………………………………………. |

Please return this eligibility form with application form to:

Ms A Colban

Clerk

Sidlesham Memorial Recreational Ground

Selsey Road

Sidlesham

West Sussex

PO20 7RD

Email: parishclerk@sidleshamparishcouncil.gov.uk

**Sidlesham Parish Council**

**Application form for Co-option to the Parish Council**

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| Name: |
| Address |
| Telephone Number: |
| Email Address: |
| Are you 18 or over? |
| Please detail any experience you may have that is relevant to Sidlesham Parish Council (if necessary, continue on a separate sheet). |
| Is there any other information that you would like to disclose regarding your application? (If necessary, please continue on a separate sheet) |

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| **Use of Personal Information**  The Parish Council will use your information, including that which you provide on this application form, to assess your suitability to be a parish councillor |
| **Declaration and Consent**  I have read the section entitled ‘Use of Personal Information’ and by signing this form I consent to the use and disclosure to councillors of my information included in this application form. I declare the information given on this form to be true and correct.  SIGNED ……………………………………………….………. (electronic signature permitted)  NAME ………………………………………………………….  DATE …………………………………………………………... |

Please return this completed form, together with the completed co-option eligibility form, to:

Ms A Colban

Clerk

Sidlesham Memorial Recreational Ground

Selsey Road

Sidlesham

West Sussex

PO20 7RD

Email: parishclerk@sidleshamparishcouncil.gov.uk

**Person Specification – Sidlesham Parish Councillor**

This specification is provided to give potential candidates an understanding of the skills and abilities that will assist a councillor to represent and assist the community.

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| **Competency** | **Core skills and abilities that help a person to ‘hold office as a councillor** | **Helpful skills and abilities** |
| Relevant knowledge, education, professional qualifications and training • | • Sound knowledge and understanding of local affairs and the local community  • Good knowledge of the parish and Parish Council assets and responsibilities | • Specific work experience, voluntary work experience, undertaken vocational or academic training, or professional qualifications |
| Experience, skills and ability | • Interest in local matters  • Ability and willingness to represent the Parish Council and the local community  • Ability and willingness to engage in individual case work to assist community members  • Ability to communicate and engage  • Ability and willingness to work closely with other councillors and to maintain good working relationships with all councillors and staff • Good analytic and problem-solving skills  • Ability and willingness to work with the Parish Councils partners  • Ability and willingness to undertake appropriate training as required  • Ability to work under pressure and make informed decisions  • Ability to research and report back on issues facing the Parish Council | • Previous parish council experience  • Able to use a computer and e mail  • Basic knowledge of legal issues relating to town and parish councils  • Experience of budgeting and finance |
| Other Requirements | • Ability and willingness to attend appropriate Parish Council meetings and events  • Ability and willingness to represent the Council and the needs of the community on outside bodies  • A flexible approach to working  • Enthusiastic for Parish Council and voluntary work |  |

Adopted by Full Council: Jan 2025

Minute Reference:

Renewal Review: Jan 2027