

# Soberton Parish Council

## Councillor Casual Vacancy and Co-option Policy

### 1. Introduction

Soberton Parish Council (SPC) aims to ensure that all seats on the Council are occupied at all times; however, there are circumstances under which vacancies arise.

According to Section 87 of the Local Government Act 1972 Act the date on which a vacancy occurs shall be in the case of:

- non-acceptance of Office
- resignation
- death
- disqualification
- an election being declared void
- a person ceasing to be qualified.

Where the vacancy occurs within 6 months prior to an election year, the Council has no obligation to fill the vacancy.

Where insufficient candidates have stood for election during an election year, these vacancies should then be filled using the provisions outlined in the Representation of the People Act 1985.

Where a vacancy exists following an ordinary election, the vacancy should be advertised but without the necessity of advertising for a potential by-election.

If within the legally specified time period (14 days from the date of the casual vacancy notice) ten electors of the parish give notice in writing to the Returning Officer requesting an election then a by- election will take place.

The casual vacancy must then be filled by election and this should be advertised using the form contained in Appendix A

If the Returning Officer notifies the Parish Clerk that no election request has been made, then the casual vacancy may be filled by co-option.

When the vacancy is to be filled by co-option the Parish Clerk will issue a co-option notice, advertising the casual vacancy for co-option using the form contained in Appendix B.

### Co-option

Co-option is the process by which the Parish Council selects a new councillor and it is done as an agenda item within a Full Parish Council meeting.

The Parish Council manages the process of co-option by itself and shall demonstrate that it is fair and equitable.

The Parish Council is not obliged to co-opt any prospective candidate even in those situations where there is a single application received to fill a vacancy.

In the event that no suitable applicant is co-opted then the Parish Council must continue to seek to find a suitable candidate to fill the vacancy.

### **Applying to be a co-opted Councillor**

If someone is interested in being co-opted, he or she should send their name, address and a short resume of their background and interests including why they would like to be a parish councillor to the Clerk to the Council.

Potential candidates can either email: [clerk@soberton.org](mailto:clerk@soberton.org) or write to: The Clerk to Soberton Parish Council, 15 The Heath, Denmead, Waterlooville PO7 6JT.

All applications will be treated in accordance with the Data Protection Act 2018 and General Data Protection Regulations (UK GDPR). All applications will be considered at the Parish Council meeting advertised on the Notice to which all candidates will be invited to attend. Parish councillors may ask questions of the prospective candidates.

### **Co-option procedure at Parish Council meeting**

The Parish Clerk will confirm that all applicants are eligible to become a member of the Parish Council and that they meet the requirements of the Local Government Act 1972 Section 79 (1).

It is incumbent on councillors to declare any pecuniary and or non-pecuniary interest in any candidate at the beginning of the meeting.

The whole procedure will be carried out in public. All candidates are members of the public and are entitled to be present throughout the meeting;

The Candidate(s) may deliver a presentation of no more than three minutes in length.

Only councillors present at the meeting may nominate, second or vote upon a person to fill the vacancy.

Voting must be carried out according to the Council's Standing Orders.

At the meeting, members will be informed of the names and addresses of the applicants. A copy of the applicant's application form will have been circulated to the councillors with the agenda documents. Councillors present at the meeting must then decide if they wish to nominate any of the persons named at the meeting.

### **Where there is only one vacancy**

Councillors may choose to ask questions in relation to the role of the candidates in Council meeting.

Following the questions, the Parish Council will undertake a vote, in accordance with Standing Orders, to determine the successful candidate.

A Councillor may only nominate or second one candidate.

The Chairman puts the names of those properly nominated into alphabetical order 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.

Councillors have the option of voting by hand or by the use of a secret ballot if this is requested by a councillor.

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, one vote per Councillor. This continues until one person receives an absolute majority.

A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

The successful candidate will be notified of their appointment to the Council by the Parish Clerk.

**Where there is more than one vacancy:**

Councillors may choose to ask questions in relation to the role of the candidates in Council meeting.

Following the questions, the Parish Council will undertake a vote, in accordance with Standing Orders, to determine the successful candidate.

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 Chairman puts the names of those properly nominated into alphabetical order and takes a vote prior to moving on to the next nomination.

The same procedure is adopted as in the situation of only one vacancy as described above to fill each separate vacancy.

**Taking up Office**

Newly co-opted Members must sign a 'declaration of acceptance of office', made in the presence of the Proper Officer, either before their first Council meeting, or at a later date fixed by the Council. Newly co-opted Members must complete their 'declaration of pecuniary interests' form within a reasonable period of time.

# Soberton Parish Council

## VACANCY FOR A PARISH COUNCILLOR

There is a currently a vacancy on the above council.

A by-election to fill the vacancy will be held if, within 14 days (Not counting a Saturday or Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, or Bank Holiday) from the date below, ten electors of the Soberton civil parish give notice in writing claiming such an election to the Returning Officer.

The address for the Returning Officer is:

Returning Officer  
Winchester City Council  
City Office  
Colebrook Street  
Winchester  
SO23 9LJ

If no such notice is given, Soberton Parish Council will fill the vacancy by co-option.

Dated:

Signed: Clerk to Soberton Parish Council.

Address:

**APPENDIX B**

# Soberton Parish Council

## VACANCY FOR A PARISH COUNCILLOR

Would you like to serve your community by becoming a Parish Councillor?

There is a vacancy on the Parish Council that will be filled by co-option at a Council meeting on Tuesday DD-MM-YY starting at 6.30pm promptly.

If you are interested in being co-opted, you should send your name, address and a short resume of your background and interests including why you would like to be a parish councillor to the Clerk to the Council.

You can either email: [clerk@soberton.org](mailto:clerk@soberton.org) or write to: The Clerk to Soberton Parish Council, 15 The Heath, Denmead, Waterlooville PO7 6JT.

The deadline for applications is 5pm on Friday DD-MM-YYYY

Qualifications to be a Parish Councillor:

If you are a UK or Commonwealth citizen or a citizen of the Republic of Ireland or a citizen of a member state of the EU and are 18 years or over and you are an elector in Soberton OR you are someone who has during the whole of the twelve months before the day on which you applied for co-option (i) resided in the Parish of Soberton OR (ii) within three miles of the parish boundary OR (iii) occupied (as owner or tenant) any land or premises therein OR (iv) had his/her principal or only place of work there.

A copy of this Notice has been sent to the Returning Officer at Winchester City Council, City Offices, Colebrook Street, Winchester, SO23 9LJ

Dated:

Signed: Clerk to Soberton Parish Council.

Address:

**APPENDIX C**

**Co-opted Councillor Person Specification**

| COMPETENCY                                | REQUIRED                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | DESIRABLE                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Personal Attributes                       | <ul style="list-style-type: none"> <li>▪ Interest and understanding of local affairs and the local community.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>▪ Can bring a new skill, expertise or key local knowledge to the Council.</li> </ul>                                                                                                                                                                                                                                                                                                                                                            |
| Experience, Skills, Knowledge and Ability | <ul style="list-style-type: none"> <li>▪ A good team player</li> <li>▪ Forward thinking</li> <li>▪ Ability to pick up and run with a variety of projects</li> <li>▪ Ability and willingness to represent the Council and their community</li> <li>▪ Good interpersonal skills and able to contribute opinions at meetings, listen constructively and willing to see others' views and accept majority decisions.</li> <li>▪ Ability to communicate succinctly and clearly.</li> <li>▪ Ability and willingness to work closely with other members and Council partners (e.g. voluntary groups) and to maintain good working relationships with all staff.</li> <li>▪ Ability and willingness to undertake induction training and other relevant training.</li> <li>▪ Good reading and analytical skills</li> </ul> | <ul style="list-style-type: none"> <li>▪ Experience of working or being a member in a local authority or other public body</li> <li>▪ Experience of working with voluntary and or local community / interest groups</li> <li>▪ Basic knowledge of legal issues relating to town and parish Councils or local authorities</li> <li>▪ Experience of delivering Presentations</li> <li>▪ Good standard of computer literacy skills</li> <li>▪ Good standard of numeracy skills</li> </ul> |
| Circumstances                             | <ul style="list-style-type: none"> <li>▪ Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) at any time including events in the evening and at weekends.</li> <li>▪ Enthusiasm for the benefit of the local community</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |