

CO-OPTION POLICY

For the purpose of openness and transparency, Billingham Parish Council will endeavour to fill any vacancy (vacancies) at the earliest opportunity.

Qualifications

To be a Parish Councillor, a candidate must be either:

- i. British;
- ii. A Commonwealth National.
- iii. An Irish or European Union citizen.

and

- iv. 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 iv. 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 they 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 Parish 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 upon 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 Parish Council following:

- A Councillors' Resignation.
- Disqualification or Failure to remain qualified.
- Death

The process to fill the vacancy is as follows:

1. The Parish Clerk must notify the Returning Officer at North Kesteven District Council of the vacancy at the earliest opportunity.

then, either:

2. 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 Parish Council notice boards, giving the residents of the parish the opportunity to call for an election to fill the vacancy during this period. The Parish Council will also post the notice on the Parish Council website

or

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

Calling an Election

During the period of fourteen working days from the date the public notice of the vacancy was displayed, ten 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 working 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 borne by Billingham Parish 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

Billingham Parish 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 are received 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

Although the process for co-option is not prescribed in law, District Councils and Local Council Associations provide best practice advice and guidelines.

It is especially important that all applicants be treated alike so that the arrangements are seen as open, fair and transparent.

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

Once notified that no election is required, Billingham Parish Council will advertise the vacancy (or vacancies) on the Parish Council noticeboards, the Parish Council website and Facebook page, and if the publication schedule allows, in the "Billingham Times" newsletter.

The Parish Council (or parishioner) can legally approach individuals to suggest that they might wish to consider putting their names forward for co-option.

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 Parish Councillor.
 - Details of the co-option process.
 - Details on how to apply.
- i. Candidates will be asked to complete the Expression of Interest form
 - ii. Ensure you have completed the Proposer and Seconder.
- The closing date for all expressions of interest.

Please note: Before co-option can take place, all candidates must:

- observe at least one ordinary meeting,

- complete the expression of interest form.
- Meet with the Clerk and Chairman

This is to ensure that candidates are fully aware of the role of Councillor, the Code of Conduct, Nolan Principles and other policies, and the disclosing of pecuniary interests.

When the expressions of interest 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 Parish Councillor.

Co-option will take place at the first ordinary meeting following the interview and after the meeting/s with the Chairman and Clerk.

*Notes

This content within this document 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>

Date calculation is given in Schedule 2 Part 1 paragraph 2 of Statutory Instrument 2006/3305 and can be found at:

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