



# The Lee Parish Council Co-option of Councillors

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# The Lee Parish Council

## Co-option of Councillors

### 1. Background

- 1.1. The Lee Parish Council has seven councillors, a number set by the local authority – in this case Buckinghamshire Council.
- 1.2. All councillors are required to step down every four years (or as otherwise determined by the Returning Officer) and submit themselves for re-election should they wish to continue as councillors; the timing of such an election will always coincide with that for members of Buckinghamshire Council:
  - a) Should the number of candidates exceed seven, an election will be held under the management of the Returning Officer.
  - b) Should the number of candidates for an election not exceed seven, no election will be held and all candidates will automatically be appointed.
  - c) Should the number of candidates and therefore the number of elected councillors be less than seven, the Parish Council (PC) must co-opt additional councillors to ensure that there is a full complement.
- 1.3. Should a councillor step down during their term of office, and there be less than six months until the next scheduled election, the PC may choose to continue with a reduced number of councillors until the date of the election.
- 1.4. Should a councillor step down during their term of office, and there be more than six months until the next scheduled election, the PC must declare a Casual Vacancy and co-opt an additional councillor to ensure that there is a full complement.

### 2. Declaring a Casual Vacancy

- 2.1. Recruitment to fill the Casual Vacancy/ies should always be initiated as soon as possible, and no later than 30 days, after the vacancy occurs.
- 2.2. The Casual Vacancy must be advertised using the form in Appendix A. Should there be more than one vacancy, one form must be used for each vacancy.
- 2.3. Vacancies must be advertised:
  - a) on all parish notice boards
  - b) on the website
  - c) on the forum
  - d) by email notification to the Bucks Returning Officer at [elections@buckinghamshire.gov.uk](mailto:elections@buckinghamshire.gov.uk)
- 2.4. If timing permits, the fact of the Casual Vacancy/ies should be raised in an article in The Lee Newsletter, and residents directed towards a copy of the official notice.
- 2.5. The Casual Vacancy/ies must be advertised for a period of fourteen working days.
- 2.6. If within fourteen days, ten residents contact the Returning Officer to request an election, one will be held to fill the vacancy/ies. The timing of the election will be set by the Returning Officer.
- 2.7. If no election is requested by ten residents, then the PC may proceed to co-opt to fill the vacancy/ies.

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### 3. Advertising vacancy to co-opt a councillor

- 3.1. The form declaring the Casual Vacancy does not set out any details for co-option, other than a reference that the vacancy will be filled by co-option if no election is called.
- 3.2. Because it is extremely rare for an election to be held for The Lee Parish Council for a Casual Vacancy, it is reasonable to advertise a closing date for applications for co-option at the same time as giving the statutory fourteen working days' notice for the calling of an election, making clear however that co-option will only take place if no such election is called.
- 3.3. The closing date for applications for co-option cannot be earlier than the closing date by which an election can be requested, and should be no more than 30 days after that date.
- 3.4. Advertising of a vacancy for co-option should be:
  - a) on all parish notice boards
  - b) on the website
  - c) on the forum
  - d) in The Lee Newsletter
- 3.5. Advertising in The Lee Newsletter can only take place if the closing date for application is at least seven days after the date of publication of the next edition of the Newsletter. Where the closing date for co-option would need to be extended beyond 30 days after the fourteen day period in order for the vacancy to be advertised in The Lee Newsletter, it is acceptable for the vacancy to be advertised only on parish notice boards, the website and the forum.

### 4. Applications for co-option

- 4.1. A person is qualified to be elected (or co-opted) and to be a councillor if they are a British, Commonwealth, Irish or [European Union](#)\* citizen and on the relevant day (that is, the day of nomination or co-option/election) they are 18 or over. In addition, the person must meet at least one of the following criteria:
  - a) On the relevant day and thereafter they continue to be on the electoral register for the parish, or
  - b) During the whole of the twelve months before that day they have owned or tenanted land or premises in the parish, or
  - c) During the whole of the twelve months before that day their principal or only place of work has been in the parish, or
  - d) During the whole of the twelve months before that day they have resided in the parish or within three miles of it.

\* EU citizen eligibility is subject to certain conditions, click the link for details

- 4.2. Except for qualification (a) above, these qualifications then continue for the full term of office, until the next ordinary elections.
- 4.3. There are certain people who are disqualified from being elected to a parish council in England and Wales. You cannot be a candidate if at the time of your nomination and on polling/co-option day:

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- a) You are employed by the parish council or hold a paid office under the parish council (this includes the Clerk)
- b) You are the subject of a bankruptcy restrictions order or interim order
- c) 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.
- d) 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 the 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.

4.4. Whilst applicants may discuss a potential application with the Chair or Clerk before making a final decision, all applications must be submitted in writing to the Clerk. Applicants are encouraged to read the website page <https://www.thelee.org.uk/becoming-a-parish-councillor/> for more details before applying, and their applications should include a brief summary of why they wish to become a councillor and what they think they can bring to the role.

4.5. Once the closing date for applications for co-option has passed, the Clerk will circulate details to all councillors.

### 5. Co-opting where the number of applicants exceeds the number of vacancies

5.1. If the number of applicants exceeds the number of vacancies, all candidates must be interviewed.

5.2. Interviews should take place as soon as possible and no more than 30 days after the closing date for co-option applications.

5.3. The interview panel will consist of a minimum of three councillors. If necessary, different candidates may be interviewed by different panels.

5.4. Following interviews of all candidates, the interview panel(s) should make a recommendation as to which candidate(s) should be co-opted. This recommendation must be presented to the next council meeting for ratification via a formal vote.

### 6. Co-opting where the number of applicants does not exceed the number of vacancies

6.1. All applicants will be considered for co-option.

6.2. The co-option will be ratified by a formal vote at the next council meeting.

### 7. Appointment

7.1. Once a councillor's co-option has been ratified by a PC meeting and minuted as such, details must be provided to the Returning Officer.

7.2. Successfully co-opted candidates become Councillors in their own right, and are no different to any other member. As such, they must sign the Declaration of Acceptance of Office and Registration of Interests Form within 28 calendar days of their formal co-option.

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### 8. Rejection of applicants

- 8.1. Although the PC has invited applications for co-option, it is not obliged to select anyone from the candidates who apply.
- 8.2. It is possible that rejection of one or more candidates may result in readvertising of the vacancy – see section 9.
- 8.3. Rejection of candidates resulting in readvertising of the vacancy must be ratified by a formal vote at the next PC meeting. In this case, an applicant can only be rejected after careful consideration and when a majority of councillors agree that the applicant would not be able to support the council's needs.

### 9. Co-option without notice period

- 9.1. There are a number of circumstances where the fourteen day notice period for residents to request an election does not apply. In these cases the PC can immediately advertise a vacancy to be filled by co-option:
  - a) Where a four-yearly election has been called but the number of people standing is less than seven – in this case any applicant who has stood will be deemed to be elected, and co-option will be required to fill the remaining vacancy/ies.
  - b) Where ten residents have requested an election to fill a Casual Vacancy, but the number of people standing is less than the number of vacancies – in this case any applicant who has stood will be deemed to be elected, and co-option will be required to fill the remaining vacancy/ies.
  - c) Where an election has not been requested by ten residents, but the number of suitable candidates for co-option is fewer than the number of vacancies and therefore the vacancy needs to be readvertised.

# NOTICE OF VACANCY

## THE LEE PARISH COUNCIL

Local Government Act 1972- Sections 87 and 89

**NOTICE IS HEREBY GIVEN** that due to the resignation of Councillor [INSERT NAME] a Casual Vacancy has arisen in the Office of a Parish Councillor for The Lee.

If by ... (within 14 days excluding Dies Non after the date of this notice) a request for an election to fill the vacancy is made in writing to the Returning Officer, Buckinghamshire Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF or via email to elections@buckinghamshire.gov.uk\*\* by TEN electors for the Town/Parish, then an election will be held to fill the vacancy, otherwise the vacancy will be filled by co-option.

Dated: [INSERT DATE NOTICE IS PUBLISHED]

Signed: Hayley Farrelly, Clerk

The Lee Parish Council  
PO Box 933  
Great Missenden  
Buckinghamshire  
HP16 6BU

\*\* Residents of The Lee who wish to request an election must include their names, addresses and a signature and if using the email address we recommend a scanned copy.