

## Appendix 1 – Elections and Co-Option Protocol

### Introduction

1 This Protocol adopt the definitions in the Council’s Policy Guidance and Glossary

### Elected Councillors

2 By virtue of s16(3), 1979 Act:

2.1 Ordinary Elections to the Council take place in May every four years (counting from 1979); and

2.2 the whole number of parish councillors retire together, and the newly elected councillors come into office, on the fourth day after the ordinary day of election (*but see the Standing Orders as to the Council Chairman and Vice-Chairman remaining in office until the election of the Council Chairman at the Annual Meeting following Ordinary Elections*).

### Co-Opted Councillors

3 The co-option of a Councillor may take place when there is:

- a vacancy after an election due to a lack of candidates (“Ordinary Vacancy”); or
- a vacancy due to a resignation, death, disqualification, etc (“Casual Vacancy”).

### Qualification

4 To be eligible to be stand for election or co-option as a Councillor, an individual must not be disqualified (see below) and be (*s79, 1972 Act*):

4.1 at least 18 years of age; and

4.2 a British citizen or a qualifying Commonwealth citizen or a Republic of Ireland citizen or a qualifying EU citizen or an EU citizen with retained rights; and

4.3 be a local government elector for the Parish; or

4.4 have during the whole of the preceding twelve months:

4.4.1 resided in the Parish or within three miles of it; or

4.4.2 occupied as owner or tenant any land or other premises in the Parish; or

4.4.3 had their principal or only place of work in the Parish.

### Disqualification

5 An individual is disqualified from being a Councillor (*s80, 1972 Act*) if they:

5.1 hold a paid office with the Council (the Council Chairman using any Chairman’s Allowance does not count);

5.2 are subject to certain bankruptcy or debt-relief restrictions;

5.3 have had a custodial sentence of at least three months (suspended or not) within the previous five years;

5.4 have been convicted of specified corrupt or illegal practices;

- 5.5 have been convicted for a failure to register or declare a Disclosable Pecuniary Interest.

## Co-Option

### Ordinary Vacancy

- 6 If there are insufficient candidates to fill all the seats on the Council at an Ordinary Election:
- any candidate who was validly nominated will be automatically elected to the Council;
  - any remaining vacancy will be an Ordinary Vacancy; and
  - the Council may proceed to seek to fill such Ordinary Vacancy or Vacancies in accordance with the procedure set out below, but without needing to give electors the opportunity to request an election.

### Casual Vacancy

- 7 A Casual Vacancy occurs when a Councillor:

- 7.1 fails to make their declaration of acceptance of office at the proper time;
- 7.2 resigns;
- 7.3 dies;
- 7.4 becomes disqualified (see above); or
- 7.5 (*s85(1) & (2), 1972 Act*) fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of:
- 7.5.1 the Council; or
- 7.5.2 a Body to which they have been appointed; or
- 7.5.3 an Outside Body to which they have been appointed by the Council; unless
- 7.5.4 the failure to attend was due to some reason approved by the Council before the expiry of the period.

- 8 If a Casual Vacancy occurs the Clerk shall (*see Regulation 5, The Local Elections (Parishes and Communities) (England and Wales) Rules 2006*):

- 8.1 notify WBC of the vacancy;
- 8.2 advertise it; and
- 8.3 give electors the opportunity to request an election.

- 9 If at least 10 electors write to WBC within the statutory time frame (14 days not including a Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a bank holiday and any day of public thanksgiving or mourning) for an election to be called, WBC will inform the Council.

- 10 Unless WBC informs the Council of the need for an election, the Council is free to fill the Casual Vacancy by co-option as soon as is practicable (unless it is six months before the date of Ordinary Elections, in which case the Council may choose not to seek to co-opt).

## Procedure for Co-Option

- 11 In accordance with the Communication Policy, the Clerk shall arrange for a notice to be placed on the Official Noticeboards and announcements to be made on the Website, the Bulletin, etc.
- 12 The notice shall set out the statutory eligibility criteria (see above) and a deadline for applications.
- 13 If no, or insufficient, candidates come forward, a second round of advertising will commence.
- 14 A candidate will be asked to submit a written personal statement which will include:
  - confirmation that they meet the eligibility criteria and are not disqualified for being a Councillor;
  - a brief biography/cv;
  - details as to:
    - why they are interested in becoming a Councillor; and
    - how they can contribute to the work of the Council.
- 15 Upon receiving a completed personal statement the Clerk shall:
  - 15.1 table an agenda item for the next relevant Council Meeting;
  - 15.2 invite the candidate(s) to that Meeting;
  - 15.3 make the personal statement(s) available to Members as confidential items for the Meeting.
- 16 At the relevant Council Meeting, in Part I, candidates in attendance will be invited to introduce themselves, add any further information they consider to be helpful, and answer questions from Members (but it shall not be a condition of selection for a candidate to attend or speak at the Meeting).
- 17 The Meeting shall consider the application(s) in Part II and, to be co-opted, a successful candidate must receive an absolute majority of those present and voting.
- 18 A successful candidate may take their seat immediately after co-option and sign an acceptance of office (unless the Council Resolves for this to be done at a later date).