

LYTHE PARISH COUNCIL PROCEDURE FOR COUNCILLOR CO-OPTION

This procedure has been developed by reference to NALC Legal Briefing L15-08 – Good practice for selection of candidates for co-option to local Councils and other information.

There are two situations when the Parish Council may fill a casual vacancy by co-option;

- when a seat is left vacant because no eligible candidate stood for election at the full elections for a new council. In this instance the Clerk would be notified of vacancies by Scarborough Borough Council (SBC) Electoral Officer and that efforts must be made to fill the vacancies by co-option.
- when a seat has fallen vacant during the life of a council (due to a Councillor resignation, death or ineligibility etc). The Clerk will immediately notify the SBC Electoral Officer and the vacancy will be advertised using the standard notice (Appendix 1).

If the required 10 electors of the ward do not call for a poll (by-election) within the legally specified time period, currently 14 days, following publication of the Notice of Vacancy, the Clerk will be notified by SBC and the Council then can exercise the power to co-opt a person on to the Council.

Although seeking 'expressions of interest' is not a legal requirement, Lythe Parish Council will give public notice of vacancies by co-option to ensure that the process is open, transparent and fair in addition to attracting potential candidates.

Whenever the need for co-option arises, Lythe Parish Council will, unless there are exceptional circumstances;

Consider advertising the vacancy in appropriate places such as on the Parish Council website, notice boards, local paper/magazine(s) etc., (Appendix 2) including Roles & Responsibilities (Appendix 3) to seek and encourage 'expressions of interest' from potential candidate(s) by a specified date from anyone in the Parish who is eligible to stand as a Parish Councillor.

All potential candidate(s) will be requested to express their interest in writing and send it to the Clerk, preferably via email. The Clerk will acknowledge all expressions of interest received.

The Clerk will inform the Council of the candidate(s) at the next Council meeting and the Council will agree the date of the meeting at which the candidate(s) will be formally considered.

At this point, any Councillor who considers their relationship with a candidate to be detrimental to the co-option process must declare this and absolve themselves of any further involvement in the process.

Copies of the candidate(s) expression of interest letter will be circulated to all councillors involved in the process by the Clerk at least seven days prior to the meeting when the candidate(s) will be considered.

All documents will be treated by the Clerk and all Councillors as confidential in accordance with Data Protection requirements.

..The Clerk will then contact each candidate with;

- a copy of the co-option eligibility form for their completion (Appendix 4),
- a copy of the agenda of the meeting which they are to be considered for co-option,
- a copy of the Council's Code of Conduct, Standing Orders, Financial Regulations, website address and Councillors Roles & Responsibilities,
- an invitation to speak for **up to 3** minutes to the Council about their application and giving their;
 - reasons for wanting to be a Councillor;
 - previous community/council experience;
 - other knowledge and/or skills that they could bring to the Council.

Should candidates no longer be interested in becoming a Councillor, they should contact the Clerk as soon as practicable to withdraw their expression of interest and, ideally, no later than 24 hours prior to the meeting where the co-options are to be considered

At the meeting where the candidates for co-option will be considered;

- no other people apart from Council members will be present during the period of candidate(s) speaking period,
- where there is more than one candidate to speak, they will speak by the alphabetical order of their surname and only one candidate will be present,
- councillors will consider candidate's skills and experience against the Roles & Responsibilities paper,
- the Chairman will offer the opportunity for debate on candidates.

Voting;

- Councillors must vote on the acceptability of each candidate for co-option, an absolute majority vote is required for each candidate from all members present and entitled to vote (LGA 1972 Sch. 12. Para 39).
- Councillors shall vote by show of hands, or, if at least two members so request, by paper ballot.
- The candidate with the with the least number of votes cast will be deleted and the process will be repeated as necessary until a majority is obtained and until the number of candidates equals the number of vacancies,
- in the case of an equality of votes, the Chairman of the meeting has a second or casting vote.

NB: If no candidate secures an absolute majority of votes cast for an individual vacancy, then that vacancy remains unfilled. If there is a 50/50 split in voting even with the Chairman's casting vote, then there is no absolute majority. An absolute majority is defined as the majority of Councillors attending the meeting, casting a vote, irrespective of who their vote is cast for. In the case of Lythe Parish Council, if 6 Councillors attend the meeting, a minimum of 4 Councillors must vote.

- The Council must vote to select the order in which acceptable candidates, should be approached to offer co- option on this occasion i.e. more than one candidate may be suitable for the vacancy. The Clerk must then approach and offer co-option to candidate(s) after the meeting in the agreed priority. If the first choice does not accept the post, the second should be approached and so on until the ranking list is exhausted.

NB: If no one is deemed suitable or rejects the vacant post(s), the whole process must be repeated until the Council has a full complement of Councillors.

Once the candidate(s) has been offered/accepted the co-option as Councillor, the Clerk will;

- will initiate the 'acceptance of office', registration of interests and other documentation and despatch as appropriate,
- notify SBC Electoral Services of the new appointment, prepare/initiate necessary induction material, including training.

**NOTICE OF VACANCY
IN OFFICE OF COUNCILLOR
PARISH OF LYTHE**

NOTICE IS HEREBY GIVEN

Pursuant to section 87(2) of the Local Government Act 1972, that XXXXX formerly a Member of the above-named Parish Council, has ceased to be a Member of the Parish Council, and that a vacancy now exists in the office of Councillor for the Parish.

If, within 14 days after the date of this notice i.e. no later than XXXXX, a request for an election to fill the vacancy is made to the **Returning Officer, Scarborough Borough Council, Town Hall, St Nicholas Street, Scarborough, YO11 2HG** by TEN electors for the Parish, an election will be held to fill the vacancy, otherwise the vacancy will be filled by co-option.

If there is an election, it will take place not later than XXXXX.

Dated XXXXX.

J A Clark, Parish Clerk

Clerk to Lythe Parish Council

*In computing any period of time for this purpose, a Saturday or Sunday, Christmas Eve, Christmas Day, Good Friday or a bank holiday or day appointed for public thanksgiving or mourning must be disregarded.

APPENDIX 2

Lythe Parish Council

The next meeting of the Council is on XXXXXX at XXXX pm in Lythe Village Hall, all welcome.

Do you live in Goldsborough, Kettleless, Lythe or Sandsend? If so, are you interested in becoming a Parish Councillor?

For more information on the above, visit our website - www.lytheparishcouncil.org

LYTHE PARISH COUNCIL VACANCY FOR A COUNCILLOR Role & Responsibilities of a Councillor

Why should you consider being a parish councillor?

- You can make a valuable contribution to Parish life by being part of the first tier in local government.
- You will be part of a team which is trying to improve Parish life.

What are the main tasks of Lythe Parish Council?

The Council is a Corporate Body representing the people of the Parish by delivering services to meet local needs, and improving quality of life and community well-being by;

- setting the council precept (local council tax),
- safeguarding public funds ensuring finance is spent lawfully and for the benefit of parishioners,
- transacting business in the proper, lawful way,
- being responsible for its employees.

Some specific responsibilities are;

- arranging for grass cutting,
- consulting with parishioners,
- maintaining parish assets such as benches, bus shelters and war memorials.
- working with others to keep the neighbourhood safe and clean.
- discussing and responding to planning applications.

How does a parish councillor contribute?

- offering knowledge and expertise on local issues.
- attending all monthly meetings when summoned, and on occasions meetings of the National Park, Scarborough Borough, North Yorkshire County Councils and other organisations.
- participating and conducting themselves in accordance with the Nolan principles,
- discussing and voting on agenda items,
- following Council policies so that the Council operates effectively and efficiently,
- accessing and responding to parish council business electronically as, ideally, this is the method of communication that the council prefers to use.
- keeping up-to-date with policies, laws and legislation, including undertaking relevant training.

**LYTHE PARISH COUNCIL
Co-option Eligibility Form**

Please complete and return this form to The Clerk, Lythe Parish Council.

1. In order to be eligible for co-option as a Lythe Parish Councillor you must be a British subject, or a citizen of the Commonwealth or the European Union; and be 18 years of age or over and fulfil at least one of the criteria below. Please tick all of those that apply to you.

I am registered as a local government elector for the Parish of Lythe; or	
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 of Lythe; or	
My principal or only place of work during those twelve months has been in the Parish of Lythe; or	
I have during the whole of twelve months resided in the Parish of Lythe or within 4.8 kilometres of it.	

2. Please note that under Section 80 of the Local Government Act 1972, a person is disqualified from being elected as a Local Councillor or being a member of a Local Council if he/she is;

- Employed – by a local authority (or holding paid office under the authority (including joint boards or committees).
- Bankruptcy – being the subject of a bankruptcy restrictions order or interim order.
- Sentenced to imprisonment – three months or more (whether a suspended sentence or not) without the option of a fine, during the five years before polling day/co-option.
- Disqualified under Part III of the RPA 1983 (donations and other offences) or under the Audit Commission Act 1998.
- Found guilty of a corrupt or illegal practice – by an election court
 - Decision by the first-tier tribunal,
 - Under section 34 of the Localism act 2011.

I (insert full name in block capitals) hereby confirm, that I am eligible to apply for the vacancy of Lythe Parish Councillor, and that the information given by me on this form is a true and accurate record.

Signed: Date: