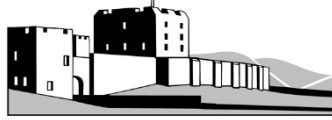


**CARLISLE  
CITY COUNCIL**

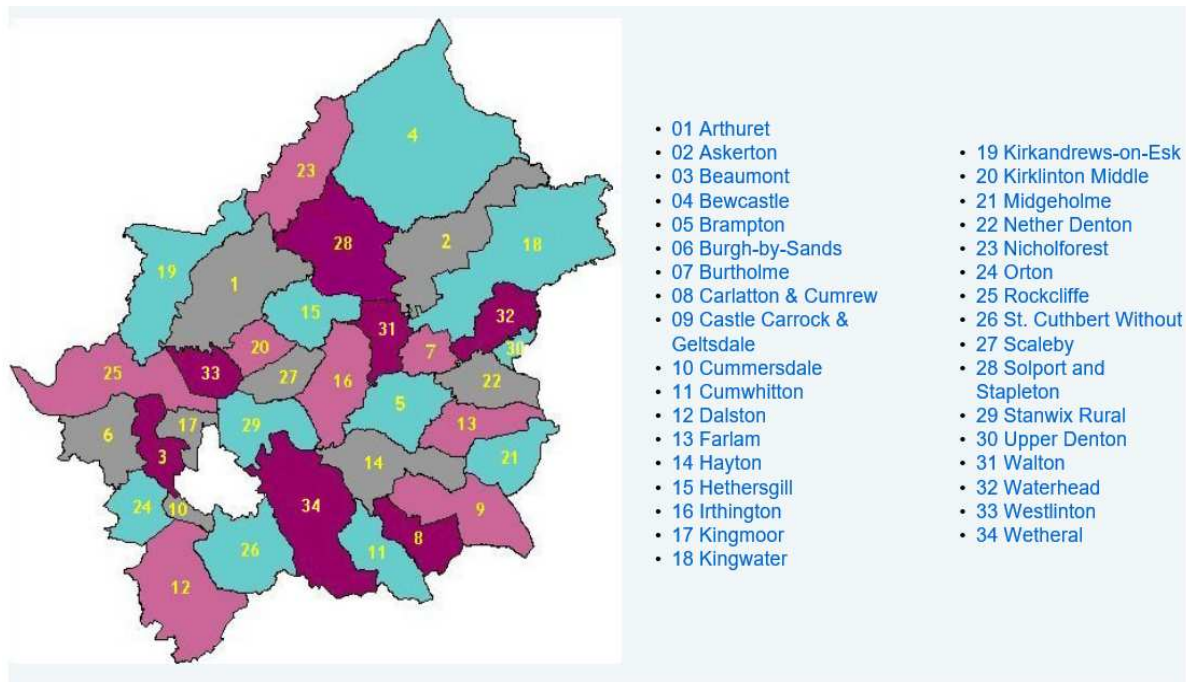


[www.carlisle.gov.uk](http://www.carlisle.gov.uk)

# **Parish Council Vacancy Guidance**

## Introduction

The District of Carlisle has 34 Parish Councils with over 300 Parish Councillors:



(map courtesy of Cumbria Association of Local Councils <http://www.calc.org.uk/>)

Each Parish Councillor is either elected or co-opted on to the Parish Council. This guidance details the process which Parish Clerks and Councillors should follow in filling a causal vacancy on a Parish Council.

## **Vacancies**

A Parish Council seat can become vacant for a number of reasons, an important consideration in the notification of the vacancy is the 'effective date' in which the vacancy began. The 'effective date' is important with regard to the public notification and the administration of an election should one be required.

Set out below are the reasons for a vacancy and the 'effective date':

### **Failure to Accept Office**

A declaration of acceptance of office must be signed by each person elected within set timescales. These must be signed and returned within two months of the election or co-option.

*The effective date of the vacancy is the closing date for making the declarations of acceptance of office.*

### **Resignation**

A person may at any time resign office by written notice.

*The effective date of the vacancy is the day of receipt of notice.*

### **Death**

*The vacancy is deemed to have occurred on the date of the death.*

### **Ceasing to be qualified**

Failing to appear on the register.

*The Parish Council must declare the vacancy forthwith. The effective date of the vacancy is the date declared by the Parish Council.*

### **Becoming disqualified**

Through bankruptcy, office holding, surcharge, conviction, court order or being found guilty of corrupt or illegal practices in election law.

Contact Election Services to discuss this matter should it happen.

### **Failure to attend meetings**

If a Parish Councillor fails to attend any meeting of the Council in a period of six consecutive months from the date of their last attendance, they shall cease to be a member of the authority.

*The effective date is the date it is declared by the Parish Council by resolution.*

## Notice of a causal vacancy

If a vacancy on a Parish Council arises the Parish Clerk is required to give public notice of the vacancy. The notice must be placed on display in the Parish, a copy of the vacancy notice template is attached and can be found on the Council's Website on the Parish Councils page:

<http://cmis.carlisle.gov.uk/cmis/ParishCouncils/tabid/136/FolderID/957/Form-Templates.aspx>

A Notice needs to be published for each individual vacancy that arises.

If the vacancy occurs within six months before the day of the four yearly elections, the Parish Council is still required to give notice but an election is not held. The Parish Council may co-opt a person to fill the vacancy until the next ordinary election.

The Parish Clerk **must** inform Democratic Services of the vacancy as soon as possible to enable the ex-Councillor's details to be removed from the City Council website. In addition the Parish Clerk **must** send a copy of the Notice to Democratic Services who will inform the Parish Clerk at the end of the 14 days period if an election has been requested or if a person can be co-opted.

**A request for an election** must be made in writing by 10 electors within 14 days after the public notice is given (in counting 14 days, day one is the next day after the date of the notice, weekends and bank holidays are not included and the period closes at midnight on the 14<sup>th</sup> day). The Parish Clerk will be notified of any request for an election at the earliest opportunity by Democratic Services.

The Returning Officer will set a date for polling day within 60 days of the date given on the notice of vacancy. The election process will begin with the publication of a notice of election, copies of which will be supplied to the Parish Clerk. The notice will inform the electors where they may obtain nomination papers and the date by when they should be delivered. It also gives the dates by which applications to vote by post or proxy must be made and the date of the poll in the event of a contest.

Should an election be requested and held, the cost of the election shall be covered by the Parish Council. Details of the estimated cost of the election can be supplied on request. In the event of an election, the Parish Council must decide whether it wishes poll cards to be delivered to the electors of the Parish. Normal postal/proxy voting arrangements will apply.

**If no request is received**, then, after the expiry of the 14 day period the Parish Council must, as soon as practicable, co-opt a person to fill the vacancy. The person to be co-opted must be qualified to serve as a Councillor. The person co-opted must receive an absolute majority vote (candidate must obtain over a half of the votes cast, or 50% plus 1 votes) of the Councillors present and voting. If there is more than one candidate for a vacancy, and no candidate receives a majority of the votes cast, the candidate with the least number of votes should be taken off the list of candidates and the vote taken again. This procedure should be repeated until a majority is obtained for a particular candidate.

If there is more than one vacancy and the number of candidates equals the number of vacancies, all the vacancies may be filled by a single resolution of the Parish Council.

The Parish Council's debate and voting on the co-option must be conducted in the public section of its meeting. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.

## **Qualifications to be a Parish Councillor**

A person is qualified to be elected and to be a Parish Councillor if they are a British, Commonwealth, Irish or European Union citizen and on the relevant day (that is, the day of nomination or election) they are 18 or over.

In addition, the person must meet at least one of the following criteria:

- (1) On the relevant day and thereafter they continue to be on the electoral register for the Parish, or;
- (2) During the whole of the twelve months before that day they have owned or tenanted land or premises in the Parish, or;
- (3) During the whole of the twelve months before that day their principal or only place of work has been in the Parish, or;
- (4) During the whole of the twelve months before that day they have resided in the Parish within 4.8 kilometres (3 miles) of it.

Certain people are disqualified from standing, and these include paid officers (including Clerks) of the Council, bankrupts and those subject to recent sentences of imprisonment.

## **New Parish Councillor**

Once a Parish Councillor has been elected, they must sign a Declaration of Acceptance of Office form within two months (they cannot act as a Councillor until they have signed the form) and complete the Notification of Pecuniary and Other Registrable Interest form within 28 days. On completion, the original forms must be sent to Democratic Services who will upload redacted forms to the City Council's website and email a copy back to the Parish Clerk for their records.

A template for both forms is attached and can be found on the Council's Website on the Parish Councils page:

<http://cmis.carlisle.gov.uk/cmisis/ParishCouncils/tabid/136/FolderID/957/Form-Templates.aspx>

All Parish Clerk and Parish Councillor details, copies of the City Council's Privacy Notices and all templates are available on the Council's website:

<http://cmis.carlisle.gov.uk/cmisis/ParishCouncils.aspx>

For further advice or information contact the Governance and Regulatory Services Directorate:

<b>Contact Name</b>	<b>Contact details</b>
Rachel Plant	Democratic Services Officer 01228 817039 <a href="mailto:Rachel.plant@carlisle.gov.uk">Rachel.plant@carlisle.gov.uk</a>
Sally Little	Electoral Services Officer 01228 817 <a href="mailto:Sally.little@carlisle.gov.uk">Sally.little@carlisle.gov.uk</a>

Appendix A – Example Vacancy Notice

Appendix B – Example Declaration of Acceptance of Office

Appendix C – Notification by Member of Parish Council of Pecuniary and Other Registrable Interests

**(Insert Parish Name)**  
**PARISH COUNCIL**  
**VACANCY FOR A**  
**COUNCILLOR**

1. There is a vacancy on the above Council caused by the resignation of **(Insert Councillor Name)**
2. A by-election to fill the vacancy will be held if, within **14** working days\* from the date below, **ten** electors for the Parish give notice in writing claiming such an election to the Returning Officer.
3. The address of the Returning Officer is:

Returning Officer  
Civic Centre  
Carlisle  
CA3 8QG

4. If no such notice is given, the Parish Council must fill the vacancy by co-option as soon as practicable after the expiry of the 14 days referred to in paragraph 2 above.

Dated the **(Insert Date)** day of **(Insert Month and Year)**

**(Insert Parish Clerk Names and Address)**

*\* working days exclude Saturdays, Sundays and Bank Holidays*

**(Insert Parish Name) Parish Council**

**Declaration of Acceptance of Office**

I \_\_\_\_\_ having been elected to the office of member of **(Insert Parish Name) Parish Council**, declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

Signed \_\_\_\_\_

Date \_\_\_\_\_

This declaration was made and signed before me

Signed \_\_\_\_\_

Date \_\_\_\_\_

Proper Officer/Member of the Council

Note: a declaration for members of parish council shall be made before a member of the council or the proper officer of the council.



NOTIFICATION BY MEMBER OF **(Insert Parish Name)** PARISH COUNCIL OF PECUNIARY AND OTHER REGISTERABLE INTERESTS

Localism Act 2011, Sections 28 & 29

**The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012**

In order to comply with **(Insert Parish Name)** Parish Council Code of Conduct, a Member or Co-opted Member (“M”) must register their pecuniary and interests other than pecuniary interests with the Council’s Monitoring Officer within 28 days of the date of their election or co-option. *(failure to declare a disclosable pecuniary interest is a criminal offence).*

*Important Notes –*

*You may complete this form electronically but you must personally sign the completed form.*

*If in doubt about whether or not something should be declared, you are urged to err on the side of openness and avoid the risk of not registering something in error.*

*If you have any difficulty completing any part of this form please contact the Council’s Monitoring Officer for advice.*

**NAME OF MEMBER:**

(please print) .....

**GIVE NOTICE** that I have the following pecuniary and other interests as are required to be registered by the Code and relevant Regulations

(Please state **NONE** where appropriate) -

DISCLOSABLE PECUNIARY INTERESTS

***These are interests if it is of a description specified in regulations made by the Secretary of State and either it is your interest or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions.***

1. Details of any employment, office, trade, profession or vocation carried on for profit or gain.

2. Details of any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. (This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

3. Details of any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –

(a) under which goods or services are to be provided or works are to be executed; and

(b) which has not been fully discharged.

4. Details of any beneficial interest in land which is within the area of the relevant authority. The response to this question includes a person's home irrespective of whether they are the owner, landlord or tenant of land and requires the full address to be included. The question also requires addresses for all the land owned

5. Details of any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

6 Details of any tenancy where (to M's knowledge) –

(a) The landlord is the relevant authority; and

(b) The tenant is a body in which the relevant person has a beneficial interest.

Details of any beneficial interest of M's in securities of a body where

(a) That body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) Either –

(i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) If that share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

OTHER REGISTRABLE INTERESTS

***These interests are what the Council has determined should be entered into the authority's register of interests***

8. Details of any body of which you are a member, or in a position of general control or management, and to which you are appointed or nominated to by **(Insert Parish Name)** Parish Council.

- 9 Details of any bodies of which you are a member, or in a position of general control or management, and which\_

- (a) Exercises function of a public nature;
- (b) Is directed towards charitable purposes; or
- (c) Is a body which includes as one of its principal purposes influencing public opinion or policy (this includes political parties or trade unions).

10. Details of any persons from whom you have received a gift or hospitality with an estimated value of at least £25. (You must register any gifts or hospitality worth £25 or over that you receive personally in connection with your official duties).

Signed: ..... Dated: .....

**Note – A Member must, within 28 days of becoming aware of any new personal interest or change to any personal interest specified above, register details of that new personal interest or change by providing written notification to the Council's Monitoring Officer.**