

## BECOMING A PARISH COUNCILLOR

Eligibility for office.

Qualifications. A person must be a Commonwealth citizen or Euronational, be over 21 and an elector. In addition, the owner or tenant of any land or premises in the parish or a person who has resided in the parish or within 3 miles of it or occupied it as owner or tenant any land or premises therein or has principal or only place of work there. Such work need not be paid but must be substantial. It is therefore possible to be a member of more than one local council.

Disqualifications. There are several ways in which a person may be disqualified:

1. If a person holds a paid office or other place of profit in the gift or disposal of the council or any committee or subcommittee thereof of a company controlled by the council.
2. Bankruptcy and execution of compositions or arrangements with creditors. This ends 5 years after discharge.
3. Conviction in the United Kingdom, the Channel Islands or the Isle of Man within 5 years before the election and has been sentenced to not less than three months imprisonment (whether suspended or not) without the option of a fine. If a free pardon has been given the disqualification ceases.
4. Corrupt or illegal practises.

There are five ways of becoming a member of a local council. These are:

1. Ordinary Election
  2. Bye-election
  3. Co-option to a casual vacancy
  4. Appointment by the borough council
  5. Return after a successful election petition
1. Ordinary Election. In Sonning these coincide with the National (General) elections usually held on the first Thursday in May (unless the Home Secretary otherwise orders) and are held every four years. The election is conducted in accordance with the Representation of the People Acts and rules made by the Home Secretary under them. The Borough Council appoints a returning officer and elections for Sonning are usually held in Beech Lodge. Candidates for the Parish Council are subject to the same timetable and conditions as those standing for election to parliament and nomination papers are provided by the returning officer. If there are more candidates than vacancies (9 in Sonning) then an election will take place. If there are only 9 candidates then the monitoring officer will declare them as elected.
  2. Bye-election. A bye-election for the whole council can take place if (a) a council comes into existence in a year other than the year in which the borough councillor for area is elected (b) when an election is declared void (c) when the membership of a council is increased. A bye-election for a particular vacancy occurs either where the membership has increased during the term of office of the existing members or where a bye-election to fill a casual vacancy has been claimed. The vacancies in newly created offices are not 'casual' and must therefore be filled in any of the ways in which vacancies are filled at or immediately after the ordinary election.
  3. Insufficient candidates. If there are insufficient candidates those who are or remain validly nominated are declared elected. If they constitute a quorum they may fill the remaining

vacancies by co-option. If there is no quorum the borough council may fill the vacancies.

4. Appointment. If there are so many vacancies that a local council cannot act the borough council may by order appoint persons to fill some or all the vacancies.
5. Return after a successful election petition. When a court finds that an individual had been involved in bribing or unduly influencing the voter.

## **CASUAL VAVANCY**

### **Procedure**

In the event of a casual vacancy occurring in the office of Parish Councillor, public notice must be given by the parish council in accordance with Section 87(2) of the Local Government Act 1972.

In a case where the parish council declares the office to be vacant in accordance with Section 86 of the 1972 Act (i.e. through the disqualification or non-attendance of a member) the vacancy must be publicly advertised *immediately*.

In all other cases, public notice of the vacancy must be given as soon as practical after the vacancy has occurred and the returning officer at WBC must be informed. Any call for an election must be made by 10 electors (see below), within the time prescribed in the notice, to WBC who will then make arrangements for an election if such notice is received.

### **Notice of Vacancy**

Section 232 of the Local Government Act 1972 requires that a public notice required to be given by a local authority shall be given by posting the notice in some conspicuous place or places within the area of the local authority.

### **Claiming a Poll**

An election to fill the vacancy shall be held if, within fourteen days (this is calculated by excluding Saturdays, Sundays, Christmas Eve, Christmas Day, Good Friday, bank holidays etc.) after public notice of the vacancy has been given, notice in writing of a request for such an election has been given to the returning officer by ten electors for the area.

If no such request is received within the time stipulated, the parish council must fill the vacancy by co-option as soon as practicable (see below).

Once an election has been requested, however, the vacancy must be filled by election and the Council cannot fill it by co-option, even if there are insufficient candidates. An election must be held within sixty days (calculated as above) of the date of the public notice of the vacancy.

Where a casual vacancy occurs within six months before the day on which the Councillor whose office is vacant would normally have retired, an election to fill the vacancy shall not be held. The parish council nevertheless may fill the vacancy by co-option if it wishes.

## **ONCE ELECTED**

**Acceptance of Office.** The Chairman and Councillors may not act until they have executed a declaration of acceptance of office in a prescribed form. The declaration must be made in the presence of a member or the council's proper officer. If the declarations are not executed at the proper time a casual vacancy arises immediately. The Chairman, who must be elected annually, must sign the declaration of office immediately following election to office. In addition each councillor must undertake in writing to abide by the council's Code of Conduct and may be forbidden to act until he has done so. The undertaking is not incorporated in the Declaration of Office so admission to office is not possible without signing it.

**Term of Office.** Apart from the Chairman and Vice Chairman all councillors retire together on the fourth day after the ordinary elections. The term of office is therefore normally four years for those elected at an ordinary election. Those councillors who take up office at a later date retire at the same time.

**Chairman of the Council.** The Chairman is elected annually at the annual meeting of the council where his election must be the first business. He holds office until his successor is elected. In an election year the Chairman holds office until his successor is elected at the first meeting of the new council. If the Chairman is to retire immediately after the election of a new Chairman then he only has a casting vote.