

Chinley Buxworth and Brownside Parish Council

Parish Room, 3 Lower Lane, Chinley, High Peak, Derbyshire, SK23 6BE

Parish Clerk: Mrs Georgina Cooper
Tel: 01663 750139

clerk@chinleybuxworthbrownside-pc.gov.uk
www.chinleybuxworthbrownside-pc.gov.uk

QUALIFICATIONS FOR ELECTION AND HOLDING OFFICE AS A COUNCILLOR

A person is eligible to be co-opted and hold office as councillor provided they are qualified and are not disqualified as described below.

1 QUALIFICATION

1.1 Section 79(1) of the Local Government Act 1972 ("the 1972 Act") provides, unless disqualified (see below) a person is qualified to be elected or co-opted to be a councillor if they are a British citizen, an eligible Commonwealth citizen or an EU citizen and on the day on which they are nominated and, if there is a poll, the day of the election, they are 18 years of age or over and:

1.1.1 on that day they are, and will continue to be, registered as a local government elector for the parish in which they stand; or

1.1.2 they have during the whole of the 12 months preceding that day occupied as owner or tenant any land or other premises in the parish area; or

1.1.3 their principal or only place of work during that 12 months has been in the parish area; or

1.1.4 they have during the whole of those 12 months resided in the parish area or within three miles of it.

1.2 A person is qualified for re-election under 1.1.3 if they are already a councillor. The Court of Appeal held in *Parker v Yeo* (1992) that being a councillor was "work" and that the work was carried on in the area where the councillor was an elected member.

2 DISQUALIFICATION

2.1 Apart from meeting the qualifications for standing for election, a person must also not be disqualified. In accordance with section 80 of the 1972 Act, a person is disqualified from being elected or being a councillor if they:

2.1.1 Are employed by the Parish Council or hold a paid office under the Parish Council (other than the office of chairman, vice chairman or deputy chairman) including joint boards or committees; or

2.1.2 are the subject of a bankruptcy restrictions order, or interim order; or

2.1.3 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 the day of election or co-option, and the ordinary period allowed for making an appeal or applications in respect of the conviction have passed; or

2.1.4 have been found guilty of corrupt or illegal practices, or were responsible for incurring unlawful expenditure and the court has ordered disqualification; or

Chinley Buxworth and Brownside Parish Council

Parish Room, 3 Lower Lane, Chinley, High Peak, Derbyshire, SK23 6BE

Parish Clerk: Mrs Georgina Cooper
Tel: 01663 750139

clerk@chinleybuxworthbrownside-pc.gov.uk
www.chinleybuxworthbrownside-pc.gov.uk

2.1.5 are subject to the notification requirement of or under Part 2 of the Sexual Offences Act 2002.

2.2 The full range of disqualifications is complex and if a candidate is in any doubt about whether they are disqualified, they must do everything they can to check that they are not disqualified before submitting an application for co-option.

This policy has been written in line with guidance contained in National Association of Local Council's Legal Topic Note 8 (Elections and Co-option) dated 08 July 2022 and 'Parish council elections in England Guidance for candidates' on The Electoral Commission website.

This version updated June 2023