

Councillor Co-option Policy and Procedure

Date policy approved and adopted: 15 May 2023

Date of review: 7 May 2024 (AMPC)

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1. Introduction

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to the Parish Council. The Co-option procedure is entirely managed by the parish council and this policy will ensure that a fair and equitable process is carried out.

2. Co-option

The Co-option of a Parish Councillor after an ordinary election and there are vacant seats to fill and also occurs when a casual vacancy has arisen on the Council and no poll (by- election) has been called. A casual vacancy occurs when:

- A councillor fails to make his declaration of acceptance of office at the proper time;
- A councillor resigns;
- A councillor dies;
- A councillor becomes disqualified; or
- A councillor fails for six (6) months to attend meetings of a council committee or subcommittee or to attend as a representative of the Council a meeting of an outside body.

Following a casual vacancy the parish council Clerk will notify the District/Borough Council and then using the notices provided by the District/Borough Council they will advertise the vacancy and give electors the opportunity to request an election. An election occurs when ten electors write to the District Council stating that an election is requested. If an election is called and if more than one candidate is validly nominated a by-election takes place but if only one candidate is put forward they are duly elected without a ballot. If the election for a vacancy is contested then a ballot is called, a polling station will be set up by the District/Borough Council and the electorate of the parish will be able to vote for validly nominated candidates.

If the casual vacancy is advertised and an election is not called by electors, the District/Borough Council will inform the parish council in writing to co-opt someone who is eligible and not disqualified to fill the vacant seat.

The advertising and election process for a casual vacancy is covered in S.89 Local Government Act 1972
(6)A casual vacancy among parish or community councillors shall be filled by election or by the parish or community council in accordance with rules made under section 36 of the Representation of the People Act 1983 in the case of a parish council.

3. Confirmation of Co-option

Once notified that co-option is possible to fill vacant seats the Parish Clerk will:

- Advertise the vacancy for four weeks on the Council notice boards and website
- Advise the parish council that these procedures have been implemented.

Councillors elected by co-option are full members of the parish council throughout the remainder of their term of office until ordinary elections are due.

4. Eligibility of Candidates

Candidates must satisfy the current eligibility criteria set out in S.79 Local Government Act 1972

- He/she is an elector for the parish; or
- has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
- had his/her principal place of work in the parish; or
- has lived within three miles of the parish boundary.

Candidates must also ensure that they are not disqualified from standing as a councillor listed under Ss.80-81

Local Government Act 1972:

- holding a paid office under the local authority;
- bankruptcy;
- having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the five years preceding the election;
- being disqualified under any enactment relating to corrupt or illegal practices; or
- not registered as a sex offender

Candidates found to be offering inducements of any kind will be disqualified.

5. Applications

Councillors may encourage applications from those eligible to be co-opted but it is the responsibility of the person seeking co-option to demonstrate they satisfy they are eligible and not disqualified.

Candidates will be requested to:

- Submit information about themselves, by way of completing a short application form.
- Confirm their eligibility for the position of Councillor within the statutory rules.

Following receipt of applications, the next suitable council meeting will have an agenda item 'To receive written applications for the office of Parish councillor and to Co-opt a candidate to fill the existing vacancy'. Copies of the candidate's application form will be circulated to all Councillors by the Clerk at least 3 clear days prior to the meeting of the full Council, when the Co-option will be considered. All such documents will be treated by the Clerk and all Councillors as Strictly Private and Confidential.

Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment. Candidates will also be informed that they will be invited to speak about their application at the meeting. Candidates for co-option will be advised where to view and obtain the Councillors Code of Conduct, Standing Orders and Financial Regulations which apply to them if successful.

6. At the meeting where co-option candidate's applications are considered

At the meeting, candidates will be given five minutes maximum to introduce themselves to Members, give information on their background and experience and explain why they wish to become a councillor. The Chair may invite each candidate to speak in accordance with Standing Orders. The Chair may allow councillors to ask questions of each candidate.

Where the Council wishes to discuss the merits of candidates and their personal attributes, this could be prejudicial, and the Council will resolve to exclude the members of the press and public including the candidates being considered for co-option while that discussion takes place. Once that discussion comes to an end the members of the press, public and the candidates may return to observe the voting process which must be completed in public.

Once all candidates have finished giving their submissions and if the council does not wish to discuss the merits of candidates privately (as outlined in the previous paragraph, the council will proceed to a vote on the acceptability of each candidate utilising the 'person specification' criteria and any personal statements provided by candidates.

Each vacant seat will be considered in turn and all candidates may receive votes if they are successfully proposed and seconded with the co-opted candidate being successful with a majority vote by show of hands. In the event of an equality of votes the Chair may have the casting vote if they wish to cast it. If a candidate is not successfully proposed and seconded, they may not receive votes for that vacant seat. If only one candidate is standing for a vacant seat they must still be proposed and seconded and a majority vote by show of hands must still take place.

In order for a candidate to be co-opted, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two candidates and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority for that vacant seat. In the case of an equality of votes, the Chairman of the meeting may exercise a second or casting vote.

After the votes has been concluded, the Chairman will declare the successful candidate duly elected and after signing their declaration of acceptance of office, may take their place immediately after signing their Declaration of Acceptance of Office. The Clerk will notify District/Borough Council of the new Councillor appointment. The successful candidate(s) must complete the Register of Interests form within 28 days of being elected. The form should be handed to the Clerk for forwarding to the Monitoring Officer.

If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised.

ADOPTED: 15 MAY 2023

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