

FALFIELD PARISH COUNCIL

CO-OPTION POLICY

A policy setting out the procedure for co-opting to an casual vacancy following an election process

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1. Introduction

- 1.1 Although the process for co-option to vacancies of local councils is not prescribed in law, NALC's Legal Briefing LTN8 dated 8th July 2022 provides guidance.
- 1.2 Of paramount importance is that all applicants are treated alike so that arrangements are seen to be open, fair and transparent. This policy sets out the process to be followed by Falfield Parish Council when co-option is under consideration.
- 1.3 Whenever the need for co-option arises, Falfield Parish Council will seek and encourage applications from anyone who is eligible to stand as a Parish Councillor (see section 3). Councillors and parishioners can legally approach individuals to suggest they might wish to consider putting their names forward for co-option and encourage them to register their expression of interest.
- 1.4 The Parish Council is not obliged to co-opt to fill any vacancy. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.
- 1.5 Any candidate(s) found to be offering inducements or any kind of undue pressure will be disqualified.
- 1.6 However, it is not desirable that electors of the Parish be left partially or unrepresented for a significant length of time; neither does it contribute to the effective and efficient working of the Parish Council if there are insufficient Councillors to share the workload equitably, provide a broad cross-section of skills and interests, or to achieve meeting quorums without difficulty, given that some absence is unavoidable at times. However, this must not be used as an excuse to co-opt and the vacancy will remain an agenda item until filled.
- 1.7 Councillors elected by co-option are full members of the Parish Council.

2. Co-option Process:

- 2.1 In the event of a vacancy occurring due to the resignation, death or ineligibility of a Councillor, the Clerk will immediately inform the Monitoring Officer at South Gloucestershire Council and supply them with a copy of the requisite Notice of Vacancy for posting.
- 2.2 Should the requisite 10 electors of the Parish have not called for a poll (by-election) within the legally specified time period (currently 14 days) following the publication of the Notice of Vacancy, the Parish Clerk is notified by South Gloucestershire Council that the vacancy(ies) may be filled by co-option. The Parish Council may then proceed to co-opt within 28 days or wait for a period of up to 6 months before proceeding.
- 2.3 On receipt of written notification from the Monitoring Officer at South Gloucestershire Council that a casual vacancy can be filled by means of co-option, the Clerk will place a notice announcing that the vacancy(ies) can be filled by co-option and invite expressions of interest. The notice will be placed on the Noticeboards and on the Parish Councils website for 21 days, and will include:
 - A contact point so that people considering putting their names forward for co-option can obtain more information on the role of a parish councillor.

- Contact details to where expressions of interest should be made (usually the Clerk, via email or hard copy)

3. Qualifications / Disqualifications:

Qualification Criteria:

- are least 18 years old
- Is on the parish electoral roll; or
- has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
- had their principal place of work in the parish for the past twelve months; or
- has lived within three miles (direct) of the parish for the past twelve months.

There are certain disqualifications for election (see 5. 80 of the Local Government Act 1972), of which the main are:

- 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; and
- being disqualified under any enactment relating to corrupt or illegal practices.

4. Application Process:

- 4.1 When expressions of interest are received, the Clerk will provide all applicants with the Parish Council's Application & Eligibility Form (*Appendix A*). The form is also available to download from the Parish Councils website.
- 4.2 The Clerk will then consider completed forms to check that the individual(s) meets with the qualification requirements.
- 4.3 All candidates are asked to complete the Councillor Application & Eligibility Form (*Appendix A*) and redacted copies will be circulated to all Parish Councillors with the agenda packs prior to a full meeting of the Council where the co-option is to be considered. All such documents will be treated by the Clerk and Councillors as strictly private and confidential.
- 4.4 Co-option Candidates will be informed of the date of the meeting at which the Parish Council will make its decision based on the application form submitted. Notice of the Intention to consider Co-option will be included on the agenda as a separate item at a Parish Council meeting.
- 4.5 Candidates will be invited to the meeting to introduce themselves and speak in support of their application. It will also provide Councillors with the opportunity to seek, through the Chair, clarification on submissions within the application form that they are not sure of, or the Council may decide to rely on the written submissions alone.
- 4.6 Only Councillors present at the meeting may vote upon a person to fill the vacancy. Councillors will have one vote per vacancy to be filled.

- 4.7 If a candidate is a relative of a Councillor or has connections with any candidate which may be perceived as prejudicial, that Councillor should declare an interest and withdraw from the meeting. Under any of these circumstances a vote by the Councillor concerned is not allowed.
- 4.8 The Parish Council will appoint co-opted members by voting according to Standing Orders
- 4.9 If there are exactly as many as, or fewer candidates than vacancies, the Parish Council may vote on a composite motion, duly proposed and seconded, that all candidates be co-opted. If there are more candidates than vacancies, it will be necessary for existing Councillors present at the meeting to vote.
- 4.10 If there are more candidates than vacancies, Arnold Baker's "Local Council Administration" recommends that:
- i) Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting.
 - ii) Where the council is considering the co-option of a councillor to fill a vacancy under s.89 of the Local Government Act 1972, it shall be under no obligation to accept any candidate.
- 4.11 After the vote:
- i) Any Candidates that are not present at the meeting, will be notified of the results by the Clerk, as soon as is reasonably possible (usually within 24 hours)

Successfully co-opted candidates become Councillors in their own right, with immediate effect, and are no different to any other member. As such, they must sign the Declaration of Acceptance of Office and Registration of Interests Form at their first meeting, or within 28 calendar days of election whichever is the sooner.

The successful candidate(s) will also confirm that they will comply with and abide by the Parish Council's Code of Conduct, as they had previously indicated on their Application and Eligibility Form. Should the new Councillor not comply with or breach the Code of Conduct, then the Monitoring Officer at Charnwood Borough Council will be advised, who will then deal with the matter

- ii) The successful candidate's term of office runs until the next quadrennial elections for the Parish Council.

NOTES:

This document is based upon a study of legislation, guidelines and practices of other Local Councils. It is intended as a summary of the most relevant points of procedure and legislation, rather than a definitive exposition.

Legislation covering casual vacancies can be found at The Local Elections (Parishes and Communities) (England and Wales) Rules 2006: <http://www.legislation.gov.uk/ukSI/2006/3305/article/5/made?view+plain>

FALFIELD PARISH COUNCIL APPLICATION FOR CO-OPTION

Name:
Address:
Telephone number:
Email address:
Are you 18 or over? Yes/No
Please answer the questions below giving as much relevant information as possible
Why would you like to be a Parish Councillor?
Have you attended Parish Council meetings as a member of the public? Yes/No
What skills and experience can you offer the Parish Council and the Community?
Experience of working with voluntary and or local community / interest groups
Are you willing to attend induction training? Yes/No
Please tick to confirm that you have read and understood the Members' Code of Conduct
☐

Eligibility

1. In order to be eligible for co-option as a Parish Councillor you must satisfy certain criteria. You must satisfy (a) and (b) below and at least one of the options (c) – (f). Please state which apply to you:	Yes or No
a. I am 18 years of age or over; and	
b. I am a British citizen or a citizen of the Commonwealth or a citizen of any other member state of the European Union; and	
c. I am registered as a local government elector for the parish; or	
d. 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; or	
e. My principal or only place of work during those twelve months has been in the parish; or	
f. I have during the whole of those twelve months resided in the parish or within 3 miles of it.	

2. Please note that under Section 80 of the Local Government Act 1972, a person is disqualified from being a parish councillor if he/she:

- a. Is employed by the parish council or holds paid office (other than chair, vice-chair or deputy chair) under the parish council (including joint boards or committees),
- b. Is employed by an entity controlled by the parish council,
- c. Is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or a debt relief restrictions order or an interim debt relief restrictions order; or
- d. Has within five years before the day of co-option, or since his/her co-option, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine; or
- e. Is otherwise disqualified under Part III of the Representation of the People Act 1983 (relating to corrupt or illegal electoral practices and offences relating to donations) or the Audit Commission Act 1998.

Declaration hereby confirm that I am eligible for the vacancy of Falfield Parish Councillor and I am not disqualified under s80 of the Local Government Act 1972 from being a parish councillor and that the information given on this form is true and correct.

Use of Personal Information.

The Parish Council will use your information, including that which you provide on this application form, to assess your suitability to be a parish councillor.

Declaration & Consent I have read the section entitled "Use of Personal Information" and by signing this form I consent to the use and disclosure of my information included in this application form. I declare the information given on this form to be true and correct.

SIGNED.....

NAME.....

DATE.....

Please complete and return this form to: Mr J. Carpenter, the Clerk to the Parish Council,
Whitegates, Sundayshill Lane, Falfield, Wotton under Edge, Glos. GL12 8DQ
Email: parish.clerk@falfieldparishcouncil.org.uk