

Horton Parish Council

Councillor Co-option Policy

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.

Co-option

The co-option of a parish councillor occurs in two instances:

1. When an ordinary vacancy has arisen on the Parish Council after the ordinary elections held every four years;
2. When a casual vacancy has arisen on the Parish Council and no poll (by-election) has been called.

Ordinary Vacancy

An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the Parish Council at the ordinary elections held every four years. Any candidates who were nominated with insufficient candidates, are automatically elected to the Parish Council and any remaining vacancies are known as "ordinary vacancies".

Provided there are enough parish councillors to constitute a quorum, the Parish Council is usually able to co-opt a volunteer to fill the vacancies. In some cases, the District Council (South Somerset District Council) may under s.39(4), RPA 1983 by order make an appointment or direct the holding of an election (but this power may not be exercised before the expiry of 35 days beginning with the day on which the election was held).

Casual vacancy

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 unless their absence has been previously agreed by the Council.

The Parish Council has to notify the District Council of a casual vacancy and then advertise the vacancy and give electors for the ward the opportunity to request an election. This occurs when ten (10) electors write to the District Council stating that an election is requested.

If a by-election is called, a polling station will be set up by South Somerset District Council and the people of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. The Parish Council will pay the costs of the election. The people of the ward have fourteen days (not including weekends, bank holidays and other notable days), to call the by-election, but the Electoral Services Office of South Somerset District Council will advise the Clerk of the closing date.

If more than one (1) candidate is then nominated a by-election takes place but if only one (1) candidate is put forward they are duly elected without a ballot.

If ten (10) residents do not request a ballot within fourteen (14) days of the vacancy notice being posted, as advised by the Electoral Services Office, the Parish Council is able to co-opt.

Confirmation of Co-option

On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, the casual vacancy can be filled by means of co-option. The Clerk will:

- Advertise the vacancy for two weeks or such other period as the Parish Council may agree on the Parish Council notice boards and website

This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office has confirmed that there were insufficient nominations to fill all the seats but there are sufficient parish councillors elected to constitute a quorum. In some cases, the District Council (South Somerset District Council) may under s.39(4), RPA 1983 by order make an appointment or direct the holding of an election (but this power may not be exercised before the expiry of 35 days beginning with the day on which the election was held).

Eligibility of Candidates

The Parish Council is able to consider any person to fill a vacancy provided that:

- he/she is 18 or over; and
- he/she is a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union;

and at least one of the following apply:

- he/she is an elector for the Parish and continues to be an elector; or
- has resided in the Parish for the past twelve months or rented/tenanted land in the Parish; or
- has had his/her principal or only place of work in the Parish for the past twelve months; or

There are certain disqualifications for being a parish councillor, of which the main are (see s80 of the Local Government Act 1972):

- holding a paid office or employment under the Town Council;
- 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 preceding five years; or
- being disqualified under any enactment relating to corrupt or illegal electoral practices.

Applications

Candidates will be requested to:

- Submit information about themselves, by way of completing a short application form (a copy of the person specification and application form is attached as Appendices A and B);
- Confirm their eligibility for the position of parish councillor within the statutory rules, (a copy of the eligibility form is attached as Appendix C).

Following receipt of applications, the next suitable Town Council meeting will have an agenda item 'To receive written applications for the office of Town Councillor and to co-opt a candidate to fill the existing vacancy'. Eligible candidates will be invited to attend the meeting. Copies of the eligible candidates' applications will be circulated to all town councillors by the Clerk at least 3 clear days prior to the meeting of the full Parish Council, when the co-option will be considered. All such documents will be treated by the Clerk and all parish councillors as strictly private and confidential.

At the Co-option Meeting

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to the parish councillors (members), give information on their background and experience and explain why they wish to become a member of the Parish Council. The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken. However where the Parish Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial and the Parish Council should resolve to exclude the members of the press and public.

As soon as the discussions have finished, the Parish Council will proceed to a vote with each candidate being proposed and seconded by the councillors in attendance.

If there is only one vacancy, this will be done by means of an exhaustive ballot. In order for a candidate to be co-opted to the Town Council, 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.

Should there be more than one vacancy available, a secret ballot will be taken. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority.

Should there be more than one vacancy available, a secret ballot will be taken, with each member being able to vote for a number of candidates, up to but not exceeding the number of vacancies. If a vote is cast for more than the number of vacancies, that ballot paper will be deemed void.

If present, a candidate who is co-opted will sign at the co-option meeting a Declaration of Acceptance of Office, including an undertaking to abide by the Parish Council's Code of Conduct, and may take office thereafter. If not present, a co-opted candidate will sign the Declaration of Acceptance of Office either before or at the next meeting of the Parish Council.

The Clerk will notify South Somerset District Council Electoral Services Office of the co-option of the new parish councillor. The co-opted Parish Councillor will complete a Notification of Disclosable Pecuniary and Other Interests form which the Clerk will lodge with the Monitoring Officer at South Somerset District Council within 28 days of the co-option.

If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised but only if the vacancy falls before the 6 months immediately prior to an ordinary election.

Adopted by Horton Parish Council on:

Date:

Signed:

Minute No: