CO-OPTION TO VACANCIES POLICY

1. Introduction

1.1 Although the process for co-option to vacancies of local councils is not prescribed in law, NALC's Legal Briefing L15-08 (Original date of issue: 23 July 2008 Re- issued: 7 May 2015) 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 Walpole Parish Council when co-option is under consideration.

1.3 Whenever the need for co-option arises, Leziate 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, andthe 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 KLWNBC 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 KLWNBC 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 The Parish Council will place the Notice of Vacancy on noticeboards and on the Parish Council's website.

- On receipt of written notification from the Monitoring Officer at KLWNBC that a casual vacancy canbe filled by means of co-option and on instruction from the Council, the Clerk will place a notice announcing that the vacancy(ies) can be filled by co-option and ask for expressions of interest. The notice will be placed on the Noticeboards and on the Parish Councils website, 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. <u>Qualifications / Disqualifications:</u>

<u>Qualification Criteria:</u>

Be 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 their principal place of work in the parish; or
- has lived within three miles (direct) of the parish.

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

- 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.

4. <u>Application Process</u>:

4.1 When expressions of interest have been received, the Clerk will provide all applicants with the Parish Council's, Councillor Application & Eligibility Form *(Appendix A)* for completion and return. The form will also be available to download from the Parish Councils website.

4.2 The Clerk will then consider completed forms to check that the individual(s) meets 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. <u>All such documents will be treated by the Clerk and Councillors as strictly private and confidential.</u>

4.4 Candidates will be informed of the date of the meeting at which the Parish Council will make its decision on the co-option. Notice of the Intention to Co-opt should be given in the agenda for the meeting of the Parish Council.

4.5 Candidates may be invited to the meeting to introduce themselves and to provide Councillors with the opportunity to ask questions of them, or the Council may decide to rely on the written submissions alone.

If candidates are not invited to speak at the co-option meeting, they are welcome to (but are not required to) attend as members of the public. The Council may only discuss each candidate's suitability for the role, when he/she and members of the public are not present.

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. Each candidate must be proposed, seconded and then the vote can take place.

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 chairman 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 <u>After the vote:</u>

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 KLWNBC 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

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