

SOUTH LENCHES PARISH COUNCIL.

Co –Option Policy – Adopted 12.07.2022.

This policy sets out the procedure to ensure that there is compliance with legislation and continuity of practice in the co-option of members to South Lenches Parish Council. The co-option procedure is managed by the Parish Council, and this policy will ensure that an open and transparent process is carried out.

Co-option occurs mainly for two reasons:

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

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 are automatically elected to the Parish Council and any remaining vacancies are then treated as "ordinary vacancies".
- There must be 3 parish councillors to constitute a quorum. If the number is less than 3 then Wychavon District Council will appoint District Councillors to make the number up to 3 to allow the Parish Council to continue working.

Casual Vacancy:

Occurs for the following reasons:

- A councillor fails to make his declaration of acceptance of office at the proper time.
- Resignation of a Councillor.
- A Councillor dies.
- A Councillor is disqualified.
- A Councillor fails for six months to attend meetings of the Council, Committee or Sub- committee or to attend as a representative of the Council a meeting of an outside body.

The Parish Council must notify the District Council of a casual vacancy and then advertise the vacancy giving the electors for the Ward the opportunity to request an election. This occurs when ten electors write to the District Council stating that an election is requested.

By-election:

- a) If one is called electors will be asked to vote for candidates who will have put themselves forward by way of a nomination paper, a polling station will be set up by Wychavon District Council.
- b) The Parish Council will pay the costs of the Election.
- c) The parishioners of the ward have fourteen days, (not including weekends, bank holidays and other notable days), to claim the by-election, notices will be placed in the Parish Notice Boards and on the website.
- d) If more than one candidate is nominated a by-election takes place but if only one candidate is put forward they are duly elected without a ballot. If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, 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 called, the casual vacancy can be filled by means of co-option. The Clerk will then:

a) Advertise the vacancy for four weeks or such other period as the Parish Council may agree, on the Parish Council Notice Boards and Website.

c) Contact Wychavon District Council that the co-option has been instigated. 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.

Eligibility of candidates:

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

- He/ She are 18 years or over.
- He/ She are a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union.

One of the following must 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 has lived within three miles of the Parish for the past twelve months.

There are certain disqualifications for being a parish councillor, of which the main can be viewed s80 of the Local Government Act 1972:

- Holding a paid office or employment under the Parish 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 them, by way of completing a short application form.
- Confirm their eligibility for the position of Parish Councillor within the statutory rules.

The Parish Council must consider co-option to fill the casual vacancy in open session at its next meeting, or the next following meeting, if the next meeting is within 14 days from the date of the notice. The Clerk must report the names of candidates to the Parish Council at this meeting and make available copies of each application form.

An interview process is not recommended. However, if this is felt necessary, it is recommended that the Chairman ask each candidate the same question in public.

If there is more than one candidate, the Parish Council must hold a ballot amongst its members; they must do so by successive counts to eliminate the least successful candidate until the successful candidate has an absolute majority of those present and voting. The ballot may be undertaken by secret ballot but the result must be announced. If there is an equality of votes at any time, the chairman may use his casting vote.

The successful candidate becomes a member of the parish council upon signing the Declaration of Office, which s/he may do immediately, and serves until the councillor whose place s/he has filled would ordinarily have retired. The Clerk should send the notification of co-option to the Monitoring Officer.

- At the Parish Council meeting Candidates will be given up to 5 minutes maximum to introduce themselves to the Councillors, give information on their background and experience and explain why they wish to become a member of the Parish Council.
- There will be no private discussions between members prior to a vote being taken.
- If only one candidate comes forward, the Council is not bound to co-opt them, even if they are qualified. However, if the Council rejects the only candidate, it must be prepared to give reasons for doing so, if asked by the candidate.
- Once the final candidate has been interviewed, the Council might like to vote by ballot. If a ballot is taken, the Clerk can take the count and announce the winning candidate. These should be kept on file in case of dispute. Alternatively, Councillors may vote by a show of hands. A recorded vote may be requested under Standing Orders to show whether each councillor present and voting, gave his/her vote for or against that question.
- In order for a candidate to be co-opted to the Parish Council, it will be necessary for them to obtain an absolute majority of votes cast. 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.
- The Clerk will notify Wychavon District Council Electoral Services Office of the co-option of the new Councillor once the successful candidate has been contacted and offered the position.
- The candidate who is co-opted will sign a Declaration of Acceptance of Office, including an undertaking to abide by the Parish Council's Code of Conduct, and may take office thereafter. The co-opted Councillor will complete a Register of Interests Form which they must lodge with the Monitoring Officer at Wychavon 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.