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# OCCOLD PARISH COUNCIL

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## 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 Occold 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 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 Babergh and Mid Suffolk District Council (BSMDC) may intervene and make an appointment or order an election to fill the vacancies.

#### 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 sub-committee or to attend as a representative of the council a meeting of an outside body.

The Parish Council has to notify BSMDC 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 BSMDC stating that an election is requested.

If a by-election is called, a polling station will be set up by BSMDC and the people of the ward 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 claim the by-election, but the Electoral Services Office 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 a volunteer.

### **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 four weeks or such other period as the Parish Council may agree on the Parish Council notice boards, Social Media and website
- Advise BSMDC that the co-option policy 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 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 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 are (see 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.

Councils CANNOT reject eligible applicants for co-option.

Legal Topic Note no. 8 on Elections and Co-options has recently been re-issued and paragraphs 24-28 contain a significant change of emphasis regarding the co-option process. The guidance now stresses that where the number of candidates is less than, or equal to, the number of vacancies, then valid candidates must be appointed.

The often-held view that a person can be rejected simply because they are considered 'unsuitable' is not valid, and would not meet the requirements of The Local Elections (parishes and Communities) (England and Wales) Rules, 2006.

Candidates should be asked for a written declaration that they both meet the eligibility criteria set out in s.79, Local Government Act 1972 and are not disqualified under s.80 of the same Act. Councils may need to investigate further if there are any doubts.

Where there is a competition for the available vacancies, councils should select by voting, with a show of hands in the usual way. If there are sufficient vacancies, there is no requirement to vote on each applicant and the Council should simply resolve to co-opt the candidate(s). It is sound practice to fill each vacancy in turn.

Advertising vacancies (in addition to the statutory notice of a casual vacancy) and having a fair and transparent application and selection process will help councils to attract and identify the best candidates.

## **APPLICATIONS**

Candidates will be requested to:

- Submit information about themselves, by way of completing a short application form (a copy of the application form is attached as Appendix A); This will be treated as strictly private and confidential.
- Confirm their eligibility for the position of parish councillor within the statutory rules, (a copy of the eligibility form is attached as Appendix B).

Following receipt of applications, the next suitable Parish 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'. Eligible candidates will be invited to attend the meeting.

## **AT THE CO-OPTION MEETING**

Where the number of candidates exceeds the number of vacancies, 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.

The Parish Council may then resolve to exclude the members of the press and public (including the candidates) whilst Councillors are discussing the merits of candidates and inevitably their personal attributes, as this could be prejudicial.

The Parish Council will then invite the public back to the meeting and proceed to a vote (in public) with each candidate being proposed and seconded by the councillors in attendance (as defined in the Standing Orders) and a vote by a show of hands (LGA 1972 Sch. 12. Para 13).

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 (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.

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 BSMDC 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 within 28 days of the co-option.

If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.

Adopted by Occold Parish Council on 7 December 2020

**Revisions**

Date of review or revision	Reason	Author

## APPENDIX A

### OCCOLD PARISH COUNCIL CO-OPTION APPLICATION FORM

<b>Name:</b>	
<b>Address:</b>	
<b>Telephone Number:</b>	
<b>Email Address:</b>	
<b>Are you 18 or over? Yes / No</b>	

Please detail any experience you may have that is relevant to Occold Parish Council (if necessary continue onto a separate sheet)

**Use of Personal Information**

The Parish Council will use your information, including that which you provide on this application form, to assess your eligibility 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, together with the completed Co-option Eligibility Form to:**

The Clerk, Occold Parish Council, Sucrierie, Old Bury Road, Stanton, Suffolk IP31 2BX - Tel: 01359 408759 - Email: [occoldparishcouncil@gmail.com](mailto:occoldparishcouncil@gmail.com)

**APPENDIX B**  
**OCCOLD PARISH COUNCIL CO-OPTION ELIGIBILITY FORM**

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 tick which apply to you:
- 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 chairman, vice- chairman or deputy chairman) 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.

**Use of Personal Information**

The Parish Council will use the information provided on this form to assess your eligibility to be a parish councillor.

**Declaration & Consent**

I..... hereby confirm that I am eligible for the vacancy of Occold 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.

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 form.

Signature.....

Name.....

Date.....