

## **Linton Parish Council**

### **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 Linton 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.

The co-option of a Parish Councillor occurs in two instances:

1. When an ordinary vacancy has arisen on a Parish/Town Council after the ordinary elections held every four years,
2. When a casual vacancy has arisen on a Parish/Town 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 a Parish/Town Council at the ordinary elections held every four years. Any candidates who were nominated are automatically elected to the Parish/Town Council and any remaining vacancies are known as “ordinary vacancies”. Provided there are enough parish councillors to constitute a quorum, the Parish/Town Council is usually able to co-opt a volunteer 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,
- 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. This requirement is waived, and the time limit extended if any failure to attend was due to a reason/apology approved by the council, in advance of the **six-month** period expiring.

A Parish/Town 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 Derbyshire District Council 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. Linton 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 of South Derbyshire 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 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 on the Parish Council website, Facebook page and/or other Social Media.
- Advise South Derbyshire District Council 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:

- They are 18 or over,

- They are 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:
  - They are 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 their 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,
- 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.
- Confirm their eligibility for the position of Parish Councillor within the statutory rules.

Following receipt of applications, the next suitable Full Council meeting will have an agenda item 'Co-option of a Councillor' 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 Parish Councillors by the Clerk at least 3 clear days prior to the meeting of the Full 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.

### **Co-Option of a Councillor**

At the Full Council meeting, candidates will be allowed a maximum of five minutes to introduce themselves to the Parish Councillors, 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 will be strictly timed by the Clerk who will issue an appropriate time warning 30 seconds before the 5 minutes elapse.

Councillors may ask candidates for clarifications regarding aspects of the application form or the statement they have delivered. Questions should relate to aspects of the Person Specification or areas of the candidate's experience and expertise which might be directly pertinent to the candidate's ability to perform the role. The questioning of each candidate will last no more than 5 minutes and the Clerk will give a 30 second warning.

Some aspects of the documents completed by the candidate may need to be clarified during the public session. The Chairman will take care to ensure councillors are aware of the need to avoid exposing any sensitive information in a public forum. Additionally, when asking questions, councillors will be mindful of the needs of the candidates. They may be unused to speaking at a public meeting and may need positive reinforcement whilst responding. The Chairman will be mindful to ensure that questioning is conducted so as to give candidates a good opportunity to articulate their experience and expertise in a supportive atmosphere.

Councillors will ensure that the conduct of the process of co-option is compliant with the best practice and the council's 'Equality and Diversity Policy'.

There will be no private discussions between members prior to a vote being taken.

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. In the event of a tied ballot, the Chairman has the casting vote.

The ballot(s) will be counted by the Clerk, being observed by a Councillor (or other duly appropriate officer if they are unavailable).

If present, a 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. 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 Derbyshire District Council Electoral Services Office of the co-option of the new Parish Councillor.

The co-opted Parish Councillor will complete a Register of Interests form and return this back to the Clerk.

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

### **If a Candidate is unable to attend the meeting.**

Candidates are required to be in attendance at the meeting when the co-option is to be considered.

In the event of a candidate being unable to attend the meeting, and the council being unable to fill the vacancy at the meeting for which the co-option is scheduled to be considered, then the absent candidates application will be considered at the next appropriate meeting provided they can attend, 2 or more weeks' notice will be given before another meeting would be arranged. If the candidate cannot attend this rescheduled meeting and the vacancy still has not been filled, then a new application will need to be submitted by the candidate once the role has been readvertised.

### **Declaration of Interests**

In the event of a candidate being related to a councillor, then the councillor would be expected to declare an interest and request a dispensation (following the council's Dispensation Policy) (and completing the relevant form) from the Clerk to speak and vote.

### **Voting**

Voting will be by ballot. The Clerk will collect the ballots, record the voting numbers on the ballot record sheet (for each round of voting). The decision must be made by a majority of members who are present and voting. Where there are more than two candidates for the vacancy, it may be necessary to run a series of votes, each time removing the candidate who has the least number of votes until one candidate secures an absolute majority. If there is more than one vacancy, then each vacancy must be filled by a separate vote or series of votes.

The Chairman (or person presiding over the meeting) may vote, and if there is an equality of votes at any stage of the process, the Chairman may exercise their casting vote. The council's debate and vote on the co-option must be conducted in the public section of its meeting. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.

The decision of the Council is final and there is no appeals process. If the candidate is not satisfied with the outcome of the decision, they must follow the Parish Councils complaint process. Please see our website for details of our complaints process under our Policies and Procedures page.

### **After Co-option**

The successful candidate(s) are asked to start as a councillor immediately after completing their declarations of acceptance of office. The new member should have received an agenda however the fact that they have not received a summons does not make their attendance as a councillor illegal. (Local Government Act 1972 Schedule 12, para 10(3)). Where appropriate they will also be appointed to any council committee. If an absent candidate is successful, members must agree to the signing the declaration of acceptance of office before or at the very start of the next meeting. New councillors will also be made aware of the fact that the Register of Members Interests Forms will need to be completed within 28 days of co-option.

## **Annex 1 Co-opted Councillor Person Specification**

<b>Competency</b>	<b>Essential</b>
<b>Personal Attributes</b>	<ul style="list-style-type: none"><li>• Sound knowledge and understanding of local affairs and the local community.</li><li>• Forward thinking.</li></ul>
<b>Experience, Skills, Knowledge and Ability</b>	<ul style="list-style-type: none"><li>• Ability to listen constructively.</li><li>• A good team player.</li><li>• Ability to pick up and run with a variety of projects.</li><li>• Solid interest in local matters.</li><li>• Ability and willingness to represent the Council and their community.</li><li>• Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others views and accept majority decisions.</li><li>• Ability to communicate succinctly and clearly.</li><li>• Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff.</li><li>• Ability and willingness to work with the Council's partners (e.g. voluntary groups, other parish Councils, principal authority, charities)</li><li>• Ability and willingness to undertake induction training and other relevant training.</li></ul>
<b>Circumstances</b>	Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) at any time and events in the evening and at weekends.

## **Annex 2: Casual Vacancy Form**

We aim to encourage applications from anyone in the Parish who is eligible to stand. To obtain a copy of the form applicants should contact the Parish Clerk as follows:

By email: [clerk@linton-pc.org.uk](mailto:clerk@linton-pc.org.uk)

By telephone: 0771 9599132

By Post: Linton Parish Council  
**PO BOX 8063,**  
**Swadlincote**  
**DE11 1FP**

Councillors or parishioners can approach individuals to suggest that they might wish to consider putting their names forward for co-option.

As a minimum, co-option vacancies will be advertised on the Website, Facebook page and/or other social media. The advertisement for the co-option will include:

- a. Method by which applications can be made, this will be in writing to the Clerk.
- b. The closing date for applications
- c. Contact point for potential candidates to obtain more information – the Clerk.
- d. Advice that further information is available on request
- e. A form to complete which includes asking the candidate why they would like to be a councillor; name; address and other contact details. When applications are received, the Clerk will confirm eligibility.

Any candidate found to be offering inducements will be disqualified.