

Sourton Parish Council

Policy for co-opting councillors

1. Introduction

This policy complies with any government or Borough council guidance. The parish council's procedures adhere to this policy so that co-options will be made consistently and equitably. The co-option procedure is managed entirely by the parish council.

2. Events leading to a co-option

The co-option of a parish councillor occurs when a casual vacancy has arisen on the council and no poll (by-election) has been called. 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 is disqualified from serving
- a councillor fails to attend meetings of a council committee or subcommittee or to attend as a representative of the council a meeting of an outside body for six months.

Sourton Parish Council must notify the Borough council of a casual vacancy and then advertise the vacancy giving electors the opportunity to request an election. This occurs when 10 or more electors write to the Borough council stating that an election is requested. If a by-election is called, this is organised by the Borough council. The parish council would pay the costs of the election.

If more than one candidate is nominated, a by-election takes place. However, if only one candidate is put forward that person is duly elected without a ballot.

If there is no request for a ballot within fourteen days of the vacancy notice being posted, as advised by the Borough council, Sourton Parish Council can co-opt a volunteer.

3. The co-option procedures

On receipt of written confirmation from the Electoral Services Office of the Borough council, the casual vacancy can be filled by means of co-option. The parish clerk will:

- advertise the vacancy for four weeks on the council notice board on the village green and website
- advise the parish council that the co-option policy has been instigated

The parish council is not obliged 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. However, it is difficult for the council to work effectively and efficiently if there are insufficient councillors to share the workload. A range of skills and interests amongst councillors will add depth to the council's discussions and improve its decision making. A quorum at all meetings will be more easily achieved if the council has its full complement of councillors. (Currently the quorum for full council meetings is seven.) Councillors elected by co-option are full members of the council

4. Eligibility of candidates

The parish council can consider any person to fill a vacancy provided that (s)he:

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

There are certain things which disqualify a person from co-option, of which the main are (S5.

80 of the Local Government Act 1972):

- 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 previous five years
 - being disqualified under any enactment relating to corrupt or illegal practices
- Also, candidates found to be offering inducements of any kind will be disqualified.

5. Applications

Although there is no statutory requirement to do so, candidates will be requested to:

- submit information about themselves, by way of completing a short application form (Appendix A)
- confirm their eligibility within the statutory rules (Appendix B).

Following receipt of applications, the next suitable 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 any existing vacancy'.

Copies of the candidates' applications will be circulated to all councillors by the clerk. All such documents will be treated by the clerk and all councillors as strictly confidential. Candidates they will be invited to speak about their application at the meeting.

6. At the co-option meeting

At the co-option meeting, candidates can be given up to five minutes to introduce themselves, give information on their background and experience and explain why they wish to become a parish councillor. Councillors may question the candidates.

By referring to the written applications (appendix A), councillors will vote in the ballot by a show of hands.

Each candidate will be proposed by a councillor to be co-opted and seconded by a councillor. These must be councillors attending the meeting. A paper ballot will be held. The result will be counted by the clerk and recorded, showing the number of votes cast for each candidate. For a candidate to be elected, it will be necessary for him or her to obtain an absolute majority of votes cast. (50% of the votes available at the meeting + 1). The chair will announce the results of the ballot.

If there are more than two candidates and there is no candidate with this absolute majority in the first round of voting, the candidate with the least number of votes will drop out. Further rounds of voting will take place. The same process will be repeated until a candidate has an absolute majority. In the case of any equality of votes, the chair of the meeting has a casting vote. After the vote, the Chair will declare the successful candidate duly elected. If there is more than one vacancy, the ballot will be repeated with the remaining candidates.

Sourton Parish council is duty bound to treat this information in strict confidence. It will only do this in line with its privacy policy which can be read on the council's website at: www.sourtonpc.org.uk

APPENDIX A Application for co-option

Thank you for your interest in becoming a parish councillor. Please provide the below information to assist the council in making their decision.

Full Name & Title	
Home Address	
Home Telephone	
Mobile Telephone	
Email Address	

About You

Please provide the council with some background information about yourself.

Please continue on a second sheet if necessary

Reasons for applying

Please provide the council with your reasons for wanting to become a parish councillor.

Return your completed application to the clerk to the council. Your application will be considered at the next available parish council meeting, where a vote will be held to decide whether the council agrees to co-opt you in to Sourton Parish Council. Data Protection Act: The information provided on this application will remain private and confidential.

APPENDIX B Co-option eligibility form

1. In order to be eligible for co-option as a Sourton parish councillor you must be a British subject, or a citizen of the Commonwealth or the European Union; and on the 'relevant date' (i.e. the day on which you are nominated or if there is a poll the day of the election) 18 years of age or over; and additionally able to meet one of the following qualifications set out below. Please tick which applies to you:
- a) I am registered as a local government elector for the parish; or
 - b) 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
 - c) My principal or only place of work during those twelve months has been in the parish; or
 - d) I have during the whole of 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 elected as a Local Councillor or being a member of a Local Council if he/she:
- a) Holds any paid office or employment of the local council (other than the office of Chairman) or of a joint committee on which the Council is represented; or
 - b) Is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors (NB Bankruptcy in itself is not a disqualification. If you have been adjudged bankrupt by a court in England, Wales or Northern Ireland, you are not disqualified on that basis. However, you are disqualified if you are currently subject to any of the following:
 - an interim bankruptcy restrictions order
 - a bankruptcy restrictions order
 - an interim debt relief restrictions order
 - a debt relief restrictions order made by a court in England or Wales. If the order was made in Northern Ireland, you should take your own legal advice since the law is complex.)
 - c) Has within five years before the day of election, or since his/her election, 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
 - d) You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations). The disqualification for an illegal practice begins from the date the person has been reported guilty by an election court or convicted and lasts for three years. The disqualification for a corrupt practice begins from the date a person has been reported guilty by an election court or convicted and lasts for five years.

The full range of disqualifications is complex and if you are in any doubt about whether you are disqualified, you must do everything you can to check that you are not disqualified before submitting your co-option application papers.

DECLARATION

I, _____ (print name) hereby confirm that I am eligible for the vacancy on Sourton Parish Council and the information given on this form is true and accurate.

Signature

Date