

ENGLEFIELD PARISH COUNCIL

CO-OPTION TO VACANCIES POLICY

This policy was adopted by the Council at its Meeting held on 29th November 2018

Introduction

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 Englefield Parish Council.

The co-option process is managed entirely by Englefield Parish Council and this policy will ensure that an open, fair and transparent process is carried out and that all applicants are treated equitably.

1. Co-Option

- 1.1. The co-option of a Parish Councillor may occur when a casual vacancy has arisen on the Council due to the following reasons:
 - A councillor fails to deliver his declaration of acceptance of office at the proper time;
 - A councillor resigns;
 - A councillor dies;
 - A councillor becomes disqualified or ceases to be qualified; or
 - A councillor fails to attend meetings of a council for six consecutive months.
- 1.2. In the event of a vacancy occurring the Clerk will inform the Elections Office at West Berkshire Council as soon as is practicable, who will then supply the requisite Notice of Vacancy for posting.
- 1.3. Should the requisite 10 electors of the Parish have not called for a by-election within the legally specified time period (currently 14 days, not counting a Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday or a Bank Holiday) following the publication of the Notice of Vacancy, the Parish Clerk is notified that the vacancy may be filled by co-option.
- 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. However, it is not desirable that electors of the Parish be left partially or fully 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.
- 1.6. The vacancy will remain an agenda item until filled.

2. Notification Process

- 2.1. On receipt of notification from West Berkshire Council that a casual vacancy can be filled by means of co-option, the Clerk will:
 - Notify the Council that the Co-Option Policy has been instigated
 - Place a notice announcing the vacancy to be filled by co-option and asking for expressions of interest.
- 2.2. The notice will include:-
 - A contact point so that people considering putting their names forward can obtain more information on the role of a Parish Councillor
 - Contact details to whom expressions of interest should be made – the Clerk, via email or hard copy
 - The closing date for all expressions of interest.

- 2.3. Englefield Parish Council Members may seek and encourage applications from anyone who is eligible to stand as a Parish Councillor. Councillors and parishioners can legally approach individuals to suggest they might wish to consider putting their names forward for co-option and encouraging them to register their expression of interest.

3. Eligibility of Candidates

- 3.1. Englefield Parish Council is able to consider any person to fill a vacancy provided that:
- He/she is registered as an elector for the parish; or
 - has resided or rented/tenanted land in the parish for the past twelve months; or
 - had his/her principal 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.
- 3.2. There are certain disqualifications for election, of which the main are:
- holding a paid office or employment to which he has been appointed by the 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 five years preceding the election; and
 - being disqualified under any enactment relating to corrupt or illegal practices.
- 3.3. Candidates found to be offering inducements or undue pressure of any kind will be disqualified.

4. Application Process

- 4.1. Once expressions of interest have been received, candidates will be asked to:
- Submit information about themselves, by way of completing a short application form (Appendix A)
 - Confirm their eligibility for the position of Councillor within the statutory rules (Appendix B).
- 4.2. The Clerk will review completed forms to ensure that the individual(s) meet the qualification requirements.
- 4.3. Applications will be considered at the next suitable full meeting of the Parish Council, or at an extraordinary meeting should the next scheduled meeting not be within a practicable time period following receipt of applications.
- 4.4. Notice of the intention to receive written applications for the office of Parish councillor and to co-opt a candidate to fill the existing vacancy will be given in the agenda for the meeting.
- 4.5. Completed candidate forms will be circulated to Parish Councillors at least seven days prior to the meeting where the co-option will be considered. All such documents will be treated by the Clerk and Councillors as strictly Private and Confidential.
- 4.6. Candidates will be informed of the date of the meeting at which the Parish Council will make its decision on the co-option. They will be provided with the full agenda of the meeting, together with the Code of Conduct and Englefield Parish Council Standing Orders.

5. Selection Process

- 5.1. Candidates may be invited to the meeting to introduce themselves, give information on their background and experience and explain why they wish to become a Member of Englefield Parish Council, and provide Councillors the opportunity to ask questions of them. The process will be carried out by adjourning the meeting to allow the candidate to speak.
- 5.2. Alternatively, 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.
- 5.3. Where the Council wishes to discuss each candidate's suitability for the role, the Council will do so without candidates and members of the public present.
- 5.4. Once all candidates have given their submissions, the Council will proceed to a vote.
- 5.5. 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.
- 5.6. 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.
- 5.7. The Parish Council will appoint co-opted members by voting according to Standing Orders.
- 5.8. 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.
- 5.9. Voting will be by a show of hands, unless a Councillor requests a secret ballot or the Chairman directs that one will take place.
- 5.10. In order for a candidate to be elected it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting).
- 5.11. If there are more than two candidates for one vacancy and none of them at the first count has an overall majority, the candidate with the fewest votes should be eliminated and the remainder put to the vote again. The process should be repeated as necessary until one candidate has an overall majority.
- 5.12. Each vacancy should be filled by a separate vote or series of votes. In a small council there is a distinct possibility that there could be a tie for last place in the first round of voting, leaving the candidate for elimination to be decided by lots.
- 5.13. The Chair has the casting vote.
- 5.14. After the voting has been concluded, the Chairman will declare the successful candidate duly elected.

6. Election

- 6.1. Successfully co-opted candidates become full Members of the Parish Council in their own right, with immediate effect, and are no different to any other member.
- 6.2. 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 Englefield Parish Council's Code of Conduct.
- 6.3. The Clerk will notify Electoral Services of the new Councillor appointment.

6.4. 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.

Unless specified otherwise, periods of days given in this document refer to working days in that they exclude weekends and public holidays.

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>

Other information sources:

NALC Legal Topic Note 8 – Elections (April 2018)

Qualification for Office - Section 80 of the 1972 Act

APPLICATION FOR CO-OPTION TO ENGLEFIELD PARISH COUNCIL

APPENDIX A

Thank you for your interest in becoming a Councillor. Please provide the information below to assist the Parish Council in making their decision.

Title		Full Name	
Home Address			
Home Telephone No.			
Mobile Telephone No.			
Email Address			

About You Please provide the Council with some background information about yourself.

Reasons for Applying Please provide the Council with your reasons for wanting to become a Parish Councillor.

Signature	
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Your application also requires signatures of two registered electors (known as a proposer and a seconder) from the parish.

	Proposer	Seconder
Name		
Address		
Signature		

Please return your completed application to Nia Rands, the Clerk to the Council.

The information provided on this application will remain Strictly Private and Confidential.

CO-OPTION ELIGIBILITY FORM

APPENDIX B

1. In order to be eligible for co-option as a 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 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	
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	
c) My principal or only place of work during those twelve months has been in the parish	
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 (other than the office of chairman, vice chairman or deputy chairman) to which he has been appointed by the council or any committee or sub-committee of the council, or by a paid officer of the council, or by any joint committee on which the council is represented; or
- b) Is the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order, a debt relief restrictions order or an interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986; or
- c) Has within five years before the day of election or since his election been convicted of any offence and sentenced to a term of imprisonment of at least three months (whether suspended or not) without the option of a fine; or
- d) Has been found guilty of corrupt or illegal practices, or was responsible for incurring unlawful expenditure and the court orders his disqualification.

Declaration

I..... hereby confirm that I am eligible for the vacancy of Englefield Parish Councillor, and the information given on this form is true and accurate record.

Signature.....

Date.....

Englefield Parish Council is duty bound to treat this information as strictly confidential.