

Policy for Councillor co-option



INTRODUCTION

1. This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Long Ashton Parish Council. The co-option procedure is entirely managed by Long Ashton Parish Council, and this policy will ensure that a fair and equitable process is carried out.

CO-OPTION

The co-option of a Long Ashton 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 District Council (North Somerset) may intervene and make an appointment or order an election to fill the vacancies.

CASUAL VACANCY

A casual vacancy occurs when:

1. A councillor fails to make his declaration of acceptance of office at the proper time;
2. A councillor resigns;
3. A councillor dies;
4. A councillor becomes disqualified; or
5. 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.
6. The Parish Council is required to notify the District Council of a casual vacancy and then advertise the vacancy giving electors for the Parish

the opportunity to request an election. This occurs when ten (10) electors write to the Parish Council stating that an election is requested.

7. If a by-election is called, a polling station will be set up by North Somerset Council and Parishioners will be asked to vote for candidates who have put themselves forward by way of a nomination paper. The Parish Council will pay for the costs of the election. Parishioners have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services Office of North Somerset District Council will advise the Clerk of the closing date.
8. 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, Long Ashton 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 and website.
- Advise North Somerset District Council that the agreed policy for 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 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.

LAPC CO-OPTION PROCEDURE

1. Publicity posters advertising the vacancy/vacancies will be displayed on the notice boards and on the Parish Council website.
2. The notice of co-option will be put into the village newsletter if possible.
3. Members may point out the vacancies and the process to any qualifying candidate(s).
4. Candidates found to be offering inducements of any kind will be disqualified.
5. All candidates should put their request for consideration in writing, using the application form, obtained from the clerk or from the council's website, along with the following additional information where applicable:
 - a. reason for wishing to be councillor
 - b. previous community/council work
 - c. any other skills that will be of benefit to the council.
6. Interested candidates should submit their application to the Clerk by a specified date. If there is only one applicant for one vacancy or each vacancy, the applicant is automatically co-opted to the Parish Council and points 8 to 13 below do not apply. The letters received are circulated to Councillors ahead of the meeting at which a Parish Councillor is to be co-opted.
 - a. Points 8 to 13 (in italics) only apply if there are more candidates than vacancies.

7. All eligible applicants are encouraged to attend a Council or Committee meeting where they can meet current councillors informally.
8. *In a closed session of the Parish Council without the public present, members consider the candidates and, following the discussion, the public are invited back into the meeting before the voting takes place.*
9. *The Chairman will request the Councillors present to nominate any of the candidates. Candidates will require a proposer and seconder to progress to the voting stage. If there is only one vacancy, a Councillor may only nominate or second one candidate. One candidate needs to receive an absolute majority of votes.*
10. *The Chairman will then place the names of those nominated into alphabetical order and proceed to vote. Councillors will have one vote per vacancy to be filled.*
11. *Voting will be in accordance with Standing Orders by a show of hands and will continue until one candidate has received an absolute majority of those Councillors present. At this stage, the successful candidate will be declared co-opted.*
12. *Should no single candidate receive a majority on the first vote, the candidate with the lowest number of votes is eliminated. Voting will then take place for the remaining candidates until one person receives an absolute majority.*
13. *If there is more than one vacancy for co-option, the above process will be repeated with the previous winning candidate being removed until all vacancies have been filled.*
14. The successful candidate/s are then declared co-opted to the Parish Council and will be asked to join the meeting.
15. The successful candidate/s are councillors in their own right and are no different to any other member; co-option is a legitimate form of election as part of the election process.
16. The successful candidate/s will be provided with a full agenda of the meeting at which they are to be considered for selection, plus a copy of the members' code of conduct and standing orders of the council.
17. The successful candidate/s will immediately sign their declaration of acceptance of office and can then act as councillors. They are to be reminded that their entry to the Members' Register of Interests must be carried out within 28 days and a copy passed on to the monitoring officer.
18. During the same meeting, successful candidates will be asked to select which of the council's committees they would like to join. If no committees are selected at this time, the successful candidates will be given time to attend committees of interest to them and make their selection/s known to the clerk as soon as possible but will not be able to vote at those meetings.

19. After the meeting, a copy of the Freedom of Information Act publication list and a copy of the Financial Regulations will be issued to the newly co-opted member(s).

20. There will be opportunities for training during the subsequent term of office.

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