

Fressingfield Parish Council. Policy for the co-option of councillors

1. Introduction

This policy sets out a procedure that will ensure there is compliance with any guidance and that there will be consistency if Fressingfield Parish Council needs to co-opt councillors. The co-option procedure is entirely managed by the parish council and this policy will ensure that it is fair and equitable.

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 (byelection) 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 becomes disqualified; or
- A councillor fails for six months to attend meetings of a council committee or subcommittee or to attend as a representative of the council a meeting of an outside body.

Fressingfield Parish Council must notify the district 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 district council stating that an election is requested. If a by-election is called, this is organised by the district 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 a ballot within fourteen days of the vacancy notice being posted, as advised by the district council, Fressingfield Parish Council can co-opt a volunteer.

3. The co-option procedures

On receipt of written confirmation from the Electoral Services Office of the district 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 boards 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 a 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. 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.

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There are certain disqualification's for election, 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 five years preceding the election; and
 - 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 the 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 private and confidential.

Candidates will also be informed that they will be invited to speak about their application at the meeting.

6. At the co-option meeting

At the co-option meeting, candidates will 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. This process will be carried out by adjourning the meeting to allow the candidate to speak.

As soon as all candidates have finished giving their submissions, the council will proceed to a vote on the acceptability of each candidate.

However, if councillors wish to discuss the merits of candidates and inevitably their personal attributes, the council will resolve to exclude the members of the press and public from that part of the meeting.

By referring to the written applications (appendix A), any personal statements provided and using the guide (Appendix C), councillors will choose who to vote for in the ballot.

The meeting will be re-opened for the ballot. 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 votes 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. At this point, the meeting could be closed to the public and press again for discussions between councillors.

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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

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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 2 registered electors (known as a proposer and seconder) from the parish area:

	Proposer	Seconder
Name		
Address		
Signature		

Please 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 Fressingfield Parish Council. Data Protection Act: The information provided on this application will remain private and confidential.

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APPENDIX B Co-option Eligibility Form

1. In order to be eligible for co-option as a Fressingfield 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 (but see below); or
 - 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) Is otherwise disqualified under Part III of the representation of the People Act 1983 for corrupt or illegal practices.

This disqualification for bankruptcy ceases in the following circumstances:

- a) If the bankruptcy is annulled on the grounds that either the person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;
- b) If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part;
- c) If the person is discharged without such a certificate.

In i and ii above, the disqualification ceases on the date of the annulment and discharge respectively. In iii, it ceases on the expiry of five years from the date of discharge

DECLARATION

I..... hereby confirm that I am eligible for the vacancy on Fressingfield Parish Council and the information given on this form is true and accurate.

Signature..... Date.....

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

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APPENDIX C Suitability Checklist

Name of Councillor completing

Date

Candidate's Name

Area of interest	Comments
1.Has thumbnail been completed?	Yes /no
2.Has the check on ability to be a councillor been completed?	Yes/no
3.Do they know anyone on the PC and how? Or on any other PC?	
4.Have they attended a Council Meeting?	
5.Their application talk	
6.Their passions	
7.Any other considerations	
8.Any questions from the candidate	
Is this candidate a fit and proper person in your opinion to join the Parish Council on the evidence presented? If not please state why	