Co-option Policy and Procedure

There are two types of vacancies:

Casual

This occurs during the four-year term when a Councillor resigns, dies or becomes disqualified.

S87(2) of the Local Government Act 1972 requires a local authority (Parish Council) to give public notice of casual vacancies to ensure transparency and attract more candidates.

The process of giving ten electors the opportunity to call a by-election is only relevant for casual vacancies, not ordinary vacancies.

Ordinary

This occurs as a result of insufficient nominations for the seats available at the time of election. Any such vacancy/vacancies should be advertised within 35 days of the election or later if still unfilled.

In these circumstances a person can be co-opted to fill a vacancy/vacancies at the discretion of the local authority (Parish Council).

The eligibility and disqualification criteria required of an applicant for either an ordinary or casual vacancy are the same in accordance with S79 and disqualification criteria Ss.80-81 of the Local Government Act 1972.

The Co-option Process for Ordinary and Casual Vacancies

(For casual vacancies this process will apply when a by-election has been advertised but not claimed)

There are no statutory arrangements in place to co-opt to fill a vacancy and therefore the Parish Council has decided to adopt the following process in order to be fully transparent and ensure all applicants can be considered which meet statutory eligibility criteria and able to offer suitable skills, knowledge, experience and motivation to fulfil the role of Parish Councillor.

Where vacancy/vacancies occur, the following will apply:

1. The vacancy/vacancies notice will be advertised as follows:
    i. On the Parish Council notice boars
    ii. On the Parish Council website.
    iii. On Parish Council Facebook page or similar social media (where available).
2. The notice will have a closing date of 21 days for receiving applications.
3. If no applications are received the notice will be advertised again with a new 21 days closing date.
4. This will continue until such time as an application/applications are received.

5. When an application/applications are received by the closing date the following will apply:
    i. Each applicant will be provided with a copy of this Standing Order procedure.
    ii. Each applicant will be invited to complete a Legal Declaration of Qualification to hold Public Office as a Local Councillor (as shown in Appendix B).
    iii. Each applicant will be invited to speak at the next parish meeting to share the reasons for interest in being a Parish Councillor and what attributes they have to offer for the benefit of the community.
6. If items (ii) and (iii) are not completed by an applicant then they will not be considered for the vacancy/vacancies.
7. The Parish Clerk will circulate details of the application/applications to all the other Councillors prior to the next Parish Council meeting. These are strictly private and confidential and should be handled carefully at all times.
8. There will be a separate item on the Parish Council meeting Agenda to deal with the application/applications for Co-options.
9. Each applicant must have a proposer and a seconder.
10. Each applicant will be invited to attend the Parish Council meeting to present themselves to the Parish Council and to allow the Councillors present to ask them questions in the open meeting.
11. If an applicant does not present themselves to the Parish Council meeting and they cannot provide a valid reason for not attending then they will not be considered for the vacancy/vacancies at that meeting.
12. The Parish Council will resolve to exclude members of the press and public including the candidates under the Local Government Act Schedule 12A and the Public Bodies (Admissions to Meetings) Act 1960 to enable it to discuss the merits or otherwise of the applicants and a vote will take place for applicant(s) for each vacant. The successful candidate must have a majority vote from all members present and entitled to vote.
13. If there are more than two candidates for one vacancy and no one of them at the first count receives a majority, the candidate with the least number of votes will be eliminated and the remainder must be put to the vote again until an absolute majority is obtained (LGA 1972 Sch. 12. Para 39). One person will be chosen for each vacancy. No proxy votes are allowed. The Chair may exercise their casting vote if there is an equality of votes (see voting method example in Appendix C).
14. If there is only one applicant for a vacant seat, the council retains the right to vote against the appointment if the candidate is not deemed suitable.
15. Voting for the co-option may be conducted by a secret paper ballot if deemed appropriate, to ensure privacy and impartiality in the selection process.
16. The Parish Council meeting will then re-convene as an open meeting.

17. The Chairman will declare the result.
18. The result will be recorded in the Minutes of the Parish Council meeting.
19. The Parish Clerk will notify all Parish Council Councillors of the voting count and the result of the selection process as soon as possible afterwards.
20. No feedback will be given to any applicant in respect of the Parish Council discussions that took place in the closed part of the meeting unless agreed by the Parish Council.
21. The successful applicant/applicants will be provided with the following:
    i. A copy of the Parish Council's Standing Orders.
    ii. A copy of the Parish Council's Financial Regulations.
    iii. A copy of the Parish Council's Code of Conduct.
    iv. A copy of the Good Councillors Guide.
22. The successful applicant/applicants will comply with the following:
    i. To sign a Declaration of Acceptance of office form.
    ii. To complete a Declaration of Interests form and submit this to the Parish Clerk who will submit it to the Monitoring Officer within 28 days.
23. The successful applicant/applicants will be encouraged to undertake training courses paid for by the Parish Council and provided by Lincolnshire Association of Local Councils (LALC).
24. If for any reason an applicant/applicants are not selected then the vacancy/vacancies will be re-advertised in accordance with this procedure.

Appendix A – Co-option Application Form

Application for Co-option

Full name and title	
About you	*In the box below tell us a little about your background, skills and experience that might be useful if you join the parish council.*

Reasons for applying	*Please explain here your reasons why you want to be a member of the Parish Council*
Signature	
Date	

Return this form to the Parish Clerk once you have completed it.

clerk@hollandfenwithbrothertoft-pc.gov.uk

Appendix B – Eligibility and Disqualification Criteria

Eligibility to be a Parish Councillor	
Full name and Title	

Home address	
Home telephone	
Mobile telephone	
Email address	

It is a condition of being a Parish Councillor that your name will be made public via notice boards and the parish cou may need to disclose your phone and email address to deal with parish council matters. Do you agree to this? Yes / No

Are you a British, Commonwealth or other European Union Citizen and not require leave to enter or remain in the U have indefinite leave to remain? Yes / No

Are you aged over 18? Yes / No

To qualify you must be able to answer 'Yes' to at least one of the questions below

a) Are you on the electoral register for Holland Fen with Brothertoft Parish Council? Yes / No
b) Have you lived either in parish of Holland Fen with Brothertoft or within 3 miles of its boundary, for at least a year? Yes / No
c) Have you been the owner or tenant of land in Holland Fen with Brothertoft parish for at least a year? Yes / No
d) Have you had your only or main place of work in parish of Holland Fen with Brothertoft for at least a year? Yes / No

You must be able to answer 'No' to all the questions below to be eligible to serve as a councillor.

i) Are you the subject of a bankruptcy restrictions order or interim order? Yes / No
ii) Have you within the last five years been convicted of an offence in the UK, the Channel Islands or Isle of Man and has been sentenced (whether suspended or not) to imprisonment for three months or more without the option of a fine? Yes / No
iii) Are you disqualified by order of a court from being a member of a local authority? Yes / No
iv) Employed by Holland Fen with Brothertoft Parish Council, a joint committee or holds office? Yes / No
v) Subject to the notification requirements of the Sexual Offences act 2003 or Sexual Risk Orders? Yes / No

Signature	
Date	

When completed return this form to the Clerk.

clerk@hollandfenwithbrothertoft-pc.gov.uk

Appendix C – Voting Method example

EXAMPLE OF VOTING PROCESS
16 councillors voting

Name:	**Round 1** No of Votes	**Round 2**	**Round 3**
Candidate 1	7	7	10
Candidate 2	3	5	3
Candidate 3	2	2	2
Candidate 4	2	1	1
Candidate 5	1	1	eliminated
Candidate 6	0	eliminated	eliminated
	Candidate 6 eliminated	Chair has casting vote between 4 & 5 Chooses 4 so 5 is eliminated	Candidate 1 gets the seat because 10 votes is more than the sum of other 3

Of course, 1 candidate may get a majority i.e. 9 or more in round 1