

Co-option Policy Bersted Parish Council

Bersted Parish Council - Councillor Co-Option Policy – (adopted 11.6.2019 minute 19077) – Revised Feb 2021 – Minute No. 20327

1. Introduction

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

2. 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 becomes disqualified; or
- A Councillor fails for six (6) 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.

BPC must notify the District Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten electors write to the District Council stating that an election is requested. If a by-election is called, a polling station will be set up by the District Council and the people of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. BPC will pay the costs of the election. The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the electoral officer will advise the Clerk of the closing date. If more than one candidate is then nominated a by-election takes place but if only one candidate is put forward, they are duly elected without a ballot. If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advised by the District Council, BPC is able to co-opt a volunteer.

3. Confirmation of Co-option

On receipt, of written confirmation, from the Electoral Services Office from 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 and include a closing date for applications.
- Advise BPC that the Co-option Policy has been instigated

BPC 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 not desirable that electors in a particular ward be left partially or fully underrepresented for a significant length of time. Neither does it contribute to effective and efficient working of the Council if there are insufficient Councillors to share the workload equitably and to provide a broad cross-section of skills and interests; or the achieve meeting quorums without difficulty. Councillors elected by co-option are full members of BPC.

4. Eligibility of Candidates

BPC is able to consider any person to fill a vacancy provided that:

- He/she 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
- had his/her principal place of work in the parish; or
- has lived within three miles (direct) of the parish. There are certain disqualifications for election, of which the main are (see 5. 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.

Candidates found to be offering inducements of any kind will be disqualified.

5. Applications

Members may point out the vacancies and the process to any qualifying candidate(s).

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 for the position of Councillor 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 at least 3 clear days prior to the meeting of the full Council, when the Co-option will be considered. All such documents will be treated by the Clerk and all Councillors as Strictly Private and Confidential. Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of BPC. 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 three minutes maximum to introduce themselves to Members, give information on their background and experience and explain why they wish to become a Member of BPC. The process will be carried out by adjourning the meeting to allow the candidate to speak, followed by questions by Members to candidates limited to 2 minutes per candidate. Where the Council wishes to discuss the merits of candidates and inevitably their personal attributes the Council will resolve to exclude the members of the press and public.

As soon as all candidates have finished giving their submissions the Council will proceed to vote on the acceptability of each candidate and any personal statements

provided by the candidate(s), with each candidate being proposed and seconded by the Councillors in attendance and a vote by ballot will be recorded.

In order for a candidate to be elected to BPC, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two candidates and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the case of an equality of votes, the Chairman of the meeting has the casting vote.

Voting

Voting slips will be provided by the Clerk at the start of the meeting, all Councillors must sign each candidate slip and return to the Clerk at the meeting. The Clerk acts as the Returning Officer, counts the slips and declares the result to the Chairman to announce.

After the vote has been concluded the Chairman will declare the successful candidate duly elected and, after signing their Declaration of Acceptance of Office, he/she may take their seat immediately.

Co Option at a Virtual Meeting as advised by SSALC

The above procedure will be the same except that candidates will be kept in the waiting room by the host while each candidate speaks. Also, each candidate will be sent an electronic version of the Declaration of Acceptance of Office by the Clerk before the meeting.

Once a candidate has spoken, they will leave the meeting and rejoin at the stated time to hear the result of the vote and continue with the remainder of the meeting.

Voting

The virtual meeting will close after all candidates have spoken and Councillors have had the opportunity to ask questions. Each Councillor will email the Clerk their vote. The Clerk acts as the Returning officer, collates the responses and declares the result to the Chairman to announce.

The meeting will be restarted, and the Chairman will declare the successful candidate. They will take their position on the Council once a signed electronic copy has been received by the Clerk, either on the night or as soon as possible after the meeting.

The Clerk will notify Electoral Services of the new Councillor appointment. Successfully co-opted candidates become Councillor's in their own right, with immediate effect, and are no different to any other member. 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 the Parish Council's Code of Conduct, as they had previously indicated on their Application and

Eligibility Form. Should the new Councillor not comply with or breach the Code of Conduct, then the Monitoring Officer at Arun District Council will be advised, who will then deal with the matter. The successful candidate's term of office runs until the next quadrennial elections for the Parish Council.

If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised. All new appointments will be put on the first available new Councillor training course arranged by SSALC.