

Strumpshaw Parish Council

Co-option Policy

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1. Introduction

This policy aims to explain the procedure and processes to be followed regarding co-option. It is to be used by members of the council and members of the public. The policy is also intended to show that the council endeavours to treat all applicants equitably and to ensure that the process is seen as fair, open, and transparent.

2. Background

Ordinary elections are held every four years, in 2023, 2027 and 2031, usually on the 1st Thursday in May. Councillors are elected to serve a four-year term of office. A casual vacancy occurs when a councillor resigns, dies, ceases to be qualified, or becomes disqualified, at any time during the four-year period.

The vacancy must be filled, either by election or co-option, except during the last six months of the four-year term, when the council may co-opt.

3. The Causes of a Casual Vacancy and the Effective Date of the Vacancy

- a. Failure to complete a declaration of acceptance of office within the proper time. This must be done before or at the first meeting of the council unless the council permits otherwise. The effective date of the vacancy is the closing date for making declarations of acceptance of office.
- b. When a notice of resignation has been received. A councillor may at any time resign their office by written notice delivered to the Chair of the council; the Chair resigns to the Council by written notice delivered to the Clerk. There is no special form for the notice of resignation. There is no procedure for withdrawing a resignation.
- c. Holds any paid office or employment (other than the office of chair, vice chair or deputy chair) 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.
- d. Is the subject of a bankruptcy restrictions order or interim order (a bankruptcy restrictions order is not issued for every bankrupt as it depends on the behaviour of the bankrupt whether it is applied or not).
- e. Has within five years before the day of election or since their election been convicted of any offence and has had passed on them a sentence of imprisonment of at least three months (whether suspended or not) without the option of a fine.

- f. Has been found guilty of corrupt or illegal practices or was responsible for incurring unlawful expenditure and the court orders his disqualification.
- g. A councillor ceases to hold office if they fail to attend any meetings of their council for a period of six months, and their apologies have not been received or approved by the council. In this case a casual vacancy would then exist.

4. Notice of the Casual Vacancy

As soon as practicable, the Clerk should notify the elections team at Broadland District Council of the casual vacancy, advising the councillor's name, reason for vacancy, and date of the vacancy. The elections team will issue the notice of casual vacancy, sending a copy to the Clerk, for advertising on the parish noticeboards, social media, and parish council website.

The notice allows 10 electors of the parish to request that an election be held to fill the vacancy. There is no form of words for the request, which might simply be a letter headed with such words as "We, the undersigned being electors for Strumpshaw Parish, call for an election to fill the vacancy arising from the [death] [resignation] of _____"

It is helpful if the 10 signatures are accompanied by printed names and addresses, for the district council to verify that they are on the electoral register for the parish.

The election request must be delivered to the Returning Officer of Broadland District Council within the 14-day period stated on the notice. The election must be held within 60 days of the date of the notice of casual vacancy. The returning officer will set a date for polling day, the election process commences with the publication of the notice of election, and a copy will be supplied to the clerk for display within the parish.

The election notice informs electors where they may obtain nomination papers and the date and time by when they should be hand delivered to the returning officer. It also informs electors of the deadlines to apply for postal or proxy vote applications, and the date of the poll in the event of a contested election. The parish council will be liable for all costs of the election.

If no election request is received, then, after the expiry of the 14-day period, the council shall co-opt a person to fill the vacancy as soon as possible.

In the case of the casual vacancy occurring in the six months before the ordinary elections, the council is required to give a notice of the casual vacancy, but an election is not held. The council may co-opt if it wishes or leave any unfilled vacancies to be filled at the ordinary elections.

5. Eligibility of Candidates

The council can consider any person to fill a vacancy if they are a British citizen, an eligible Commonwealth citizen, a citizen of the Republic of Ireland, a qualifying EU

citizen or an EU citizen with retained rights, be aged 18 or over and meet at least one of the following four qualifications:

- a. They are, and will continue to be, registered as local government elector for the Strumpshaw parish area.
- b. They have occupied as owner or tenant any land or other premises in the parish area during the whole of the preceding 12 months.
- c. Their main or only place of work during the preceding 12 months has been in the parish area.
- d. They have lived in the parish area or within three miles of it during the whole of the preceding 12 months.

Except for qualification (a), these qualifications then continue for the full term of office, until the next ordinary elections.

The Electoral Commission has further guidance on eligibility and disqualifications for being a parish councillor at:

<https://www.electoralcommission.org.uk/guidance-candidates-parish-Council-elections-england/what-you-need-know-you-stand-a-candidate/qualifications-and-disqualifications-standing-election/qualifications>

Disqualifications

The full range of disqualifications is complex, and the above EC guidance should be referred to. However, the main disqualifications are:

- 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 preceding five years.
- Being disqualified under any enactment relating to corrupt or illegal practices.
- From 2 May 2024, the Elections Act 2022 introduced a disqualification conviction of an intimidatory criminal offence by hostility towards a candidate, future candidate or campaigner or holder of a relevant elective office.

6. Co-option Process

Although seeking ‘expressions of interest’ is not a legal requirement, it is recommended that councils always give public notice of vacancies because this makes the process of co-option open and transparent and should attract more potential candidates. Whenever the need for co-option arises, the council will advertise the vacancy to seek and encourage ‘expressions of interest’ by a specified date from anyone in the parish who is eligible to stand as a parish councillor. Councillors or parishioners can approach individuals to suggest they may wish to consider putting themselves forward for co-option.

The council may co-opt whoever it pleases to fill a casual vacancy. However, that person must be qualified to serve as a councillor. All potential candidates will be requested to put their request for consideration of co-option in writing with the following additional information:

- a. reasons for wishing to be a councillor.
- b. relevant community/council work.
- c. other skills they can bring to the parish council,

Candidates will be requested to submit information about themselves at least three working days before the next council meeting. This information will be circulated by the Clerk to all councillors, and an item to co-opt a councillor will be placed on the agenda of the meeting. All such documents will be treated by the Clerk and councillors as strictly private and confidential.

At the relevant item on the council meeting agenda the Chair will request those councillors present to vote for the candidate(s) who have put themselves forward.

Voting to co-opt a Councillor

In the event of a candidate being unable to attend, members will still consider their application. In the event of a candidate being related to a councillor, then the councillor would be expected to declare an interest and request a dispensation to speak and vote.

The usual rules on voting apply. The decision must be made by a majority of members who are present and voting. Where there are more than two candidates for the vacancy, it may be necessary to run a series of votes, each time removing the candidate who has the least number of votes until one candidate secures an absolute majority. If there is more than one vacancy, then each vacancy must be filled by a separate vote or series of votes.

The person presiding over the meeting may vote, and if there is an equality of votes they may exercise their casting vote. The council's debate and vote on the co-option must be conducted in the public section of its meeting. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings.

No co-option may take place outside of a council meeting. An additional meeting may be called if necessary.

The council is not obliged to select any of the candidates who apply. However, it is not desirable that electors be left partially 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. Councillors elected by co-option are full members of the council.

7. Starting as a Councillor

The successful candidate(s) are asked to start as a councillor immediately after completing their declarations of acceptance of office and can then take their place and join the meeting. The new member should have received an agenda; however, the fact that they have not received a summons does not make their attendance as a councillor

illegal (Local Government Act 1972 Sch 12, para10(3)). Where appropriate they will also be appointed to any council committee.

If an absent candidate is successful, members must agree to them signing the declaration of acceptance of office before or at the very start of the next council meeting.

New councillors will also be made aware of the fact that the Register of Interests Form will need to be completed and submitted to the Monitoring Officer at Broadland District Council within 28 days of co-option.

The Clerk will, within five working days of the meeting, send the new councillor by email a copy of the Code of Conduct, Standing Orders and Financial Regulations, as well as a link to the parish council website which contains additional policies. The dates of future meetings and available training will also be given.