

# **NORTON SUB HAMDON PARISH COUNCIL**

## **CO-OPTION POLICY**

### **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 Norton sub Hamdon Parish Council. The co-option procedure is entirely managed by the Parish Council, 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 in two instances:

- a) When an ordinary vacancy has arisen on the Parish Council after the ordinary elections held every four years.
- b) 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, Somerset Council may intervene and make an appointment or order an election to fill the vacancies.

Casual vacancy: 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 (so long as the reason for non-attendance has not been accepted by the Council)

The Parish Council must notify Somerset Council of a casual vacancy and then advertise the vacancy and give electors the opportunity to request an election. This

occurs when ten (10) electors write to Somerset Council stating that an election is requested. If a by-election is called, a polling station will be set up by the Borough Council and people registered to vote will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. The Parish Council 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 Services Office will advise the Clerk of the closing date.

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, the Parish Council is able to co-opt a member.

### **3. CONFIRMATION OF CO-OPTION**

On receipt of written confirmation from the Electoral Services Office that no by-election has been called, 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 Somerset Council that the co-option policy 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.

### **4. ELIGIBILITY OF CANDIDATES** The Parish Council can 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 is (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.

## **5. APPLICATIONS**

Candidates will be requested to:

- Submit information about themselves, by way of completing a short application form.
- Confirm their eligibility for the position of parish councillor within the statutory rules (included in the application form)
- Attend the meeting at which co-option is to be considered to answer questions.

## **6. CO-OPTION PROCESS**

Copies of the eligible candidates' application forms will be circulated to all parish councillors by the Clerk at least 3 clear days prior to the meeting of the full Parish Council, when the co-option will be considered.

All such documents will be treated by the Clerk and all parish councillors as strictly private and confidential.

Following receipt of applications, the next suitable Parish Council meeting will have an agenda item 'To receive applications for the office of Parish Councillor and to put the following questions to candidates.'

The following questions only will then be asked of all candidates:

- a) Please describe your previous work in the community.
- b) Why do you wish to become a parish councillor?
- c) What is your understanding of the role of parish councillor?
- d) What time do you have available to give to parish council work?
- e) What skills / experience could you bring to the parish council?
- f) Do you agree to sign the declaration of interest and code of conduct?

There will be an agenda item 'To resolve to co-opt candidate(s) to fill the existing vacancy(ies)'.

- The vote to co-opt candidates will be taken without further debate.
- Each candidate will be proposed and seconded by councillors in attendance and the vote be by a show of hands.
- The acceptability of each candidate will be considered.

- For a candidate to be co-opted 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 2 candidates for one vacancy 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 take place with the process repeated until a candidate has an absolute majority.
- In the case of an equality of votes the chairman has a casting vote.
- After the votes have been concluded the Chairman will declare the successful candidate duly elected and after signing their declaration of acceptance of office may take their seat immediately.
- The Clerk will notify the electoral services of the new councillor appointment.
- The successful candidate (s) must complete the 'register of interests' within 28 days of being elected.
- This form should be forward to the Clerk to send to the Monitoring Officer.
- If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are advertised again.

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