

Killamarsh Parish Council

KPC 11 – Co-option Policy

DETAILS OF POLICY	
Policy No	KPC 11
Policy Title	Co-option Policy
Committee/Working Party Responsible	Full Council
Last Reviewed	22 nd January 2024
Next Review Date	January 2026

The Policy

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Killamarsh 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.

The Parish Council is composed of two wards: East and West.

CO-OPTION

The co-option of a parish Councillor occurs in two instances:

1. When an ordinary vacancy has arisen on the Parish Council after the ordinary elections held every four years.
2. When a casual vacancy has arisen on the Parish Council and no poll (by-election) has been called.
3. The Parish Council is not obliged to co-opt 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 of the Parish be left partially or fully unrepresented for a significant length of time.
[The way the law is written indicates that the Council should make all reasonable efforts to fill the vacancy – so therefore deciding NOT to appoint a candidate and instead leaving the vacancy unfilled should not be something which is done lightly – see www.legislation.gov.uk/ukxi/2006/3305/article/5/made.)]

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, the District Council (NEDDC) 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 the Council, a council committee or sub- committee. or to attend as a representative of the council a meeting of an outside body.

The Parish Council must notify the District Council of a casual vacancy and then advertise the vacancy and give electors for the ward the opportunity to request an election. This occurs when ten (10) electors write to the District Council stating that an election is requested.

The people of the ward have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services Office of NEDDC will advise the Clerk of the closing date. The election must then be held within 60 days of the date of the notice of casual vacancy. In the case of casual vacancy occurring in the last six months before the ordinary elections, Parish Council is required to give a notice of the casual vacancy, but an election is not held. Parish Council may co-opt if it wishes, leaving any unfilled vacancies to be filled at the ordinary election.

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 a by-election is called, a polling station will be set up by NEDDC and the people of the ward 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.

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 person to fill the vacancy as soon as practicable.

CONFIRMATION OF CO-OPTION

On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, 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 NEDDC 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.

ELIGIBILITY OF CANDIDATES

Eligibility of candidates to fill a vacancy must comply with the eligibility criteria laid down in Local Government Act 1972 S.80.

APPLICATIONS

Candidates will be requested to:

- Attend at least one Parish Council meeting as observers.
- Submit information about themselves, by way of completing a short application form (a copy of the application form is attached as Appendix A).
- Confirm their eligibility for the position of parish Councillor within the statutory rules, (a copy of the eligibility form is attached as Appendix B).

Following receipt of applications, the next suitable Parish Council meeting will have an agenda item 'To receive written applications for the office of Parish Councillor and, if appropriate, to co-opt a candidate to fill the existing vacancy'.

Eligible candidates will be invited to attend the meeting.

Copies of the eligible candidates' applications 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.

AT THE CO-OPTION MEETING

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to the parish Councillors (members), give information on their background and experience and explain why they wish to become a member of the Parish Council. The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken. However, where the Parish Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Parish Council should consider to resolve to exclude the members of the press and public.

As soon as all candidates have finished giving their submissions, discussions may take place and the Parish Council will proceed to a vote with each candidate being proposed and seconded by the Councillors in attendance (as defined in the Standing Orders) and a vote by a show of hands (LGA 1972 Sch. 12. Para 13).

A recorded vote may be requested under Standing Order 9 so as to show whether each Councillor present and voting, gave his/her vote for or against that question.

In order for a candidate to be co-opted to the Parish Council, 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. The Chairman of the meeting may vote, and if there is an equality of votes, he/she may exercise his casting vote.

If present, a candidate who is co-opted will sign at the co-option meeting a Declaration of Acceptance of Office, including an undertaking to abide by the Parish Council's Code of Conduct, and may take office thereafter. If not present, a co-opted candidate will sign the Declaration of Acceptance of Office either before or at the next meeting of the Parish Council.

The Clerk will notify NEDDC Electoral Services Office of the co-option of the new parish Councillor. The co-opted parish Councillor will complete a Notification of Disclosable Pecuniary and Other Interests form which the Clerk will lodge with the Monitoring Officer at NEDDC within 28 days of the co-option.

If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.

APPENDIX A

KILLAMARSH PARISH COUNCIL CO-OPTION APPLICATION FORM

Name:	
Address:	
Telephone Number:	
Email Address:	
Are you 18 or over? Yes / No	
Which ward do you wish to apply for? Please tick:	
East <input type="checkbox"/>	West <input type="checkbox"/>

Please detail any experience you may have that is relevant to Killamarsh Parish Council (if necessary continue onto a separate sheet)

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Is there any other information you would like to disclose regarding your application? (If necessary, please continue on a separate sheet).

Use of Personal Information

The Parish Council will use your information, including that which you provide on this application form, to assess your suitability to be a parish Councillor.

Declaration & Consent

I have read the section entitled "Use of Personal Information" and by signing this form I consent to the use and disclosure of my information included in this application form.

I declare the information given on this form to be true and correct.

SIGNED..... NAME.....

DATE.....

Please complete and return this form to:

The Parish Clerk
Killamarsh Parish Council
Killamarsh
S21 1DY

Email: parish.clerk@killamarsh-pc.gov.uk

APPENDIX B

KILLAMARSH PARISH COUNCIL CO-OPTION ELIGIBILITY FORM

1. In order to be eligible for co-option as a Killamarsh Parish Councillor you must satisfy certain criteria. You must satisfy (a) and (b) below and at least one of the options (c) – (f). Please tick which apply to you:

- a. I am 18 years of age or over; and
- b. I am a British citizen or a citizen of the Commonwealth or a citizen of any other member state of the European Union; and
- c. I am registered as a local government elector for the parish; or
- d. 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
- e. My principal or only place of work during those twelve months has been in the parish; or
- f. I have during the whole of those 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 a parish Councillor if he/she:

- a) Is employed by the parish council or holds paid office (other than chairman, vice-chairman or deputy chairman) under the parish council (including joint boards or committees);
- b) Is employed by an entity controlled by the parish council;
- c) Is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or a debt relief restrictions order or an interim debt relief restrictions order; or
- d) Has within five years before the day of co-option, or since his/her co-option, 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
- e) Is otherwise disqualified under Part III of the Representation of the People Act 1983 (relating to corrupt or illegal electoral practices and offences relating to donations) or the Audit Commission Act 1998.

Use of Personal Information

The Parish Council will use the information provided on this form to assess your eligibility to be a parish Councillor.

Declaration & Consent

I..... hereby confirm that I am eligible for the vacancy of Killamarsh Parish Councillor and I am not disqualified under s80 of the Local Government Act 1972 from being a parish Councillor and that the information given on this form is true and correct.

I have read the section entitled “Use of Personal Information” and by signing this form I consent to the use and disclosure of my information included in this form.

Signature..... Name.....

Date.....