

MARCHINGTON PARISH COUNCIL

Co Option Policy

Introduction

This policy sets out the procedure to ensure that there is compliance with legislation and continuity of procedures in the co-option of members to Marchington 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 2 wards: Marchington village (7 seats) and Marchington Woodlands (2 seats).

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 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.

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.

Where there are insufficient councillors to form a quorum East Staffordshire Borough Council may intervene and make an appointment or order an election to fill the vacancies.

Casual Vacancy

A vacancy can arise in the intervening period due to one of the following reasons:

- 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.

The Parish Council Clerk must notify Returning Officer at East Staffordshire Borough Council of a Casual Vacancy. The Borough Council then sends the Clerk a notice to display on-line and on the parish noticeboards to give electors the opportunity to request a by-

election. This occurs when ten (10) electors write to the Returning Officer at the Borough Council stating that an election is requested.

If a by-election is called, a polling station will be set up by the Borough Council within the next 60 working days 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.

The Borough Council will pass all associated costs of the by-election onto the Parish Council to pay. The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Borough Council electoral officer 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 residents do not request a ballot within fourteen days of the vacancy notice being posted, the Borough Council Returning Officer will notify the Clerk that the Parish Council is now free to co-opt a volunteer. Parish Councils are permitted to exercise the power to co-opt a person onto the Council to fill a casual vacancy when the requirements to hold the election have not been met.

If no request for an election is received by East Staffordshire Borough Council Electoral Services Office by the date on the Notice of Vacancy, they will advise the Parish Council that it may co-opt to the vacancy. Co-option is a process by which the Parish Council selects a new Councillor.

Co-option Procedure

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 on the Parish Council notice boards and website. The Council invites interested candidates to write to the Clerk by a specified date. If there is more than 1 candidate, the members would have to consider and vote for each applicant. If only 1 candidate applies, the Council must still consider whether to co-opt that person.
- The Clerk will advise East Staffordshire Borough 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.

Eligibility of candidates

The Parish Council is able to consider any person to fill a vacancy provided that:

- He/she/they are 18 or over; and
- He/she/they are a British Citizen, a qualifying Commonwealth citizen or a citizen of any member state of the European Union; and at least one of the following apply:
- He/she/they are 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/their 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 are (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

Applications

Candidates will be requested to:

- Submit information about themselves, by way of a short application form (Appendix A)
- Confirm their eligibility for the position of parish councillor within the statutory rules, (Eligibility form – Appendix B)
- Attend an interview at a meeting of the full council

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.

The co-option meeting/interview

The co-option meeting/interview will be a closed session to exclude press and public.

At the co-option meeting/interview

1. The candidates are invited to introduce themselves, give information on their background and experience and explain why they wish to become Parish Councillors. Councillors can ask questions of the candidates. Each candidate will be allotted a maximum of 10 minutes.
2. Members will consider the candidates and following discussion a vote will be held by a show of hands. Following the completion of the voting the candidates will be informed of the result of the vote.

3. If only one candidate comes forward, the Parish Council is not bound to co-opt them, even if they are qualified. However, if the council rejects the only candidate, it must be prepared to give reasons for doing so, if asked by the candidate.
4. 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. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting.
5. The Clerk will notify ESBC Electoral Services Office of the co-option of the new parish councillor once the successful candidate has been contacted and offered the position.
6. Prior to or at the next Parish Council meeting the co-opted candidate must sign the Declaration of Office and may take up office thereafter.
7. The co-opted councillor will be required to complete a Register of Interests form which will be lodged with the Monitoring Officer at ESBC Election Services Office within 28 days of the co-option.
8. The clerk will inform the Monitoring Officer and Elections Officer the details of the successful candidate. The successful candidate will receive a copy of your Standing Orders, Financial Regulations, a copy of the Good Councillors Guide and any useful information such as a list of all the members' names, addresses and telephone numbers.

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

Use of personal information

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

Declaration and 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 I have given on this form to be true and correct.

Signed..... Name

Date:

Please complete and return this form, together with the completed Co-option Eligibility Form to:

The Parish Clerk, 20 Windmill Drive, Marchington, Uttoxeter, Staffordshire, ST14 8JP

Email: marchingtonpc@gmail.com

APPENDIX B

MARCHINGTON PARISH COUNCIL - CO-OPTION ELIGIBILITY FORM

1. In order to be eligible for co-option as a Parish Councillor you must satisfy certain criteria. You must satisfy (a) and (b) below and at least one of the options from (c) to (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 a member state of the European Union

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 been resident in the parish or within 3 miles of it

Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being a parish councillor if he/she/they:

- a) Is employed by the Parish Council or holds paid office (other than Chairman) under the parish council (including joint boards and 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 restriction order or an interim debt relief restriction order; or
- d) have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day and the ordinary period allowed for making an appeal or applications in respect of the conviction has passed.
- e) have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices).
- f) are subject to the notification requirement of or under Part 2 of the Sexual Offences Act 2003, and the ordinary period allowed for making an appeal or application in respect of the order or notification has passed.

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 and Consent

I hereby consent that I am eligible for the vacancy of Parish Councillor in the Parish of Marchington and I am not disqualified under S80 of the Local Government Act 1972 from being a parish councillor and 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.

Signed..... Name: Date: