

ICKLETON PARISH COUNCIL CO-OPTION POLICY

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 Ickleton 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.

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.

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 member to fill the vacancies. In some cases, the District Council may intervene and make an appointment or order an election to fill the vacancies.

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
- A councillor fails for six (6) months to attend meetings of the Parish Council

The Parish Council has to 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 (14) days (not including weekends, bank holidays and other notable days), to claim the by-election. The Electoral Services Office of South Cambs District Council will confirm the closing date.

If a by-election is called, a polling station will be set up by South Cambs District Council 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. If more than one (1) candidate is nominated a by-election takes place, but if only one (1) candidate is put forward they are duly elected without a ballot. 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 member. When vacancies occur within six (6) months of an election, electors are not given the opportunity to request an election and the vacancy can be filled by co-option.

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 a minimum of four weeks.
- Advertise the vacancy in at least one edition of Icene.
- Advertise the vacancy on the Parish Council website and noticeboard.

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 the candidate is:

- 18 or over; and
- 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:

- an elector for the Parish and continues to be an elector
- has resided in the Parish for the past twelve months or rented/tenanted land in the Parish
- has had his/her principal or only place of work in the Parish for the past twelve months
- 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 required to:

- Submit information about themselves and why they wish to become a Parish Councillor
- Confirm their eligibility for the position of Parish Councillor

Following receipt of applications, the next suitable Parish Council meeting will have an agenda item titled 'Parish Councillor vacancy and co-option'. Eligible candidates will be invited to attend the meeting. Candidates do not have to be present at the meeting in which the co-option will be considered but should provide some information about themselves.

Copies of the eligible candidates' applications will be received and circulated to all Parish Councillors by the Clerk at least three (3) clear working days (not including weekends, bank holidays and other notable days) prior to the meeting of the full Parish Council, when the co-option will be considered. From this date no other applications will be accepted, the exception being if the co-option is deferred for any reason, the process should continue, whereby the vacancies are again advertised. All such documents will be treated by the Clerk and all Parish Councillors as strictly private and confidential. Co-option will be the last item of business on the agenda before the date of the next meeting.

There is nothing preventing Councillors from approaching persons asking them to offer themselves for co-option.

AT THE CO-OPTION MEETING

Candidates present at the meeting will be invited to speak if they wish to, in alphabetical order by Surname, for a maximum of five (5) minutes each. 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 resolve to exclude the members of the press and public.

As soon as all candidates have finished giving their submissions, the Parish Council will proceed to a vote by ballot paper. A vote by ballot will also take place if there is only one candidate or the number of candidates equals the number of vacancies.

In order for a candidate to be co-opted to the Parish Council, it is 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 to achieve an absolute majority. If this cannot be achieved, the Chair will get the casting vote.

If present, a candidate who is co-opted will sign 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 the District Council Electoral Services Office of the co-option of the new Parish Councillor.

The co-opted Parish Councillor will complete a Register of Parish Members Financial and Other Interests form to be sent to the Monitoring Officer at South Cambs District Council and Clerk within 28 days of the co-option.

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

If the co-option is deferred for any reason, the process should continue, whereby the vacancies are again advertised.