

EAST FARDON PARISH COUNCIL CO-OPTION PROCEDURE

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to East Farndon Parish Council (EFPC). The co-option procedure is entirely managed by EFPC and this policy will ensure that a fair and equitable process is carried out.

Background

The Co-option of a Parish Councillor occurs when a casual vacancy has arisen on the Council and by-election has been called. A casual vacancy occurs when:

- A councillor fails to make their 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 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.

EFPC has to notify the Local Authority of a Casual Vacancy. The Returning Officer of the Local Authority will then provide the public notice of the casual vacancy and give electors the opportunity to request a by-election, which the Parish Clerk must display as soon as practicable. The people of the parish have fourteen days (not including weekends, bank holidays and other notable days) to request a by-election, but the electoral officer will advise the clerk of the closing date.

If ten residents request an election within fourteen days of the vacancy notice being posted, a polling station will be set up by the Local Authority 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. EFPC will pay the costs of the election. If more than one candidate is then nominated, a by-election takes place, but if only one candidate is put forward they are duly elected without a ballot.

If ten residents do not request a by-election within fourteen days of the vacancy notice being posted, as advised by the Local Council, the Returning Officer will confirm that EFPC is able to co-opt a volunteer.

Co-option Procedure

1. On receipt of written confirmation that the EFPC is able to co-opt a volunteer, the Parish Clerk will:
 - Advertise the vacancy for at least four weeks on the Council noticeboard and website: and
 - Notify the Local Authority that the co-option procedure has been instigated.
2. 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 are left under-represented for a significant length of time. Further, it hinders the effective and efficient working of the Council if there are insufficient councillors to share the workload, to provide a broad cross-section of skills and interests, or to achieve meeting quorums without difficulty.
2. Applicants for co-option will be asked to:
 - Submit an application form (a copy of the application form is attached as Appendix A – section 1);
 - Confirm their eligibility for the position of Councillor by signing a copy of the eligibility criteria on the application form (Appendix A - section 2).

3. Copies of the applicant's application form will be circulated to all Councillors, prior to the relevant full Council meeting where the co-option is to be considered. Documents may be tabled in respect of a late application. All such documents shall be treated as Private and Confidential.
4. Candidates will be given the opportunity to address the Council for no longer than two minutes in support of their application.
5. The press, public and candidates will be asked to leave the Council Chamber while the applications are discussed.
6. The press, public and candidates will then be re-admitted to the meeting prior to voting taking place.
7. A Councillor present at the meeting shall nominate and another second the application they wish to support. Any applications not being nominated will fail at this point.
8. Voting will be in accordance with statutory requirements. A successful candidate must receive an absolute majority, i.e. receive more than 50% of the votes cast.
9. If there are more than two candidates for one vacancy and no one of them at the first count receives an absolute majority over the rest of the candidates, the candidate with the least votes will fail and the remaining candidates voted on again. This process shall be repeated until an absolute majority is obtained.
10. In accordance with Standing Orders, voting will be by show of hands or a signed ballot if requested.
11. If any member requests, a record will be made of the names of members and the way they voted or abstained, unless a signed ballot is undertaken.
12. In the case of an equality of votes, the matter will stand adjourned until the next Council meeting when the process will be repeated.
13. After the vote has been concluded, the Chair of EFPC will declare the successful candidate duly elected.

APPENDIX A

EAST FARDON PARISH COUNCIL - CO-OPTION APPLICATION FORM

Section 1 – Personal Details

Thank you for your interest in becoming a Parish Councillor. Please provide the below information to assist the council in making their decision.

Full Name

Home Address

Home Telephone

Mobile Telephone

Email Address

About You - Please provide the council with some background information about yourself.

Reasons for applying - Please provide the council with your reasons for wanting to become a Parish Councillor.

Section 2 – Essential Qualification Criteria

Note: It is the responsibility of the Candidate to ensure they meet the legal criteria; it is an electoral offence to make a false declaration.

1. In order to be eligible for co-option as an East Farndon Parish Councillor you must be a British citizen, an eligible Commonwealth citizen, a qualifying EU citizen or an EU citizen with retained rights; and on the 'relevant date' (i.e. the day on which you are nominated) be 18 years of age or over; and additionally able to meet one of the following qualifications set out below (Please tick all that apply to you).

- I am registered as a local government elector for the parish; or
- 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
- My principal or only place of work, during the whole of the twelve months preceding the date of my co-option, has been in the parish; or
- I have, during the whole of the twelve months preceding the date of my co-option, 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 elected as a Local Councillor or being a member of a Local Council if he/she:

a) holds any paid office or employment of the local council (other than the office of Chairman) or of a joint committee on which the Council is represented; or

b) is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors (but see below); or

c) has within five years before the day of election, or since his/her election, 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

d) is otherwise disqualified under Part III of the representation of the People Act 1983 for corrupt or illegal practices.

The disqualification for bankruptcy ceases in the following circumstances:-

i) if the bankruptcy is annulled on the grounds that either the person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;

ii) if the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part;

iii) if the person is discharged without such a certificate.

In (i) and (ii) above, the disqualification ceases on the date of the annulment and discharge respectively. In (iii), it ceases on the expiry of five years from the date of discharge.

I (insert name) hereby confirm, that having read and understood the above criteria I am eligible to be considered for the vacancy on East Farndon Parish Council and the information given on this form is a true and accurate record.

Signed:..... Dated:.....

Please return your completed application to the Clerk to the council. Your application will be considered at the next available Parish Council meeting, where a vote will be held to decide whether the council agrees to co-opt you onto East Farndon Parish Council.

General Data Protection Regulations 2108: The information provided on this application will remain private and Confidential.