

Yarnfield and Cold Meece Parish Council

Co-Option To Councillor Casual Vacancy Policy 2022

PREFACE

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| <p>Purpose: Although the process for co-option to vacancies of local councils is not prescribed in law, NALC’s Legal Briefing L15-08 (Original date of issue: 23 July 2008 Re- issued: 7 May 2015) provides guidance.</p> <p>The Local Elections (Parishes and Communities) (England and Wales) Rules 2006</p> | | | |
| <p>Review 1 – typographic and formatting corrections; increased possible length of the candidate’s personal statement in Appendix 1.</p> | | | |
| <p>Review 2 - process modified to simplify the section process.</p> | | | |

1 Introduction

- 1.1 The Parish Council recognises that it is of paramount importance that all applicants are treated alike; that arrangements are seen to be open, fair and transparent; and that vacancies are publicised as widely as possible. This policy sets out the process to be followed by Yarnfield and Cold Meece Parish Council when co-option is under consideration.
- 1.2 Whenever the need for co-option arises, the Parish Council will encourage applications from anyone who is eligible to stand as a Parish Councillor (see section 3). Both councillors and parishioners can approach individuals to suggest they might wish to consider putting their names forward for co-option and encourage them to register their expression of interest.
- 1.3 The Parish Council is not obliged to co-opt to fill any vacancy. Even if a council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.
- 1.4 The Parish Council recognises that it is not desirable for parts of the parish to be unrepresented for a significant length of time.

2 Co-option Process

- 2.1 In the event of a vacancy occurring due to the resignation, death or ineligibility of a Councillor, the Clerk will immediately inform the Monitoring Officer at Stafford Borough Council who will then prepare the requisite Notice of Vacancy.
- 2.2 The Notice of Vacancy will be posted on the parish council notice boards and posted on the council's website and Facebook page.
- 2.3 The right to fill a vacancy by co-option will arise only if the requisite 10 electors of the Parish have not called for a poll (by-election) within 14 days following the publication of the Notice of Vacancy. In such circumstances the Parish Clerk will be notified by Stafford Borough Council that the vacancy may be filled by co-option.
- 2.4 Where a casual vacancy is not required to be filled by election, the parish council must, as soon as practicable after the expiry of the period of 14 days referred to in paragraph 2.1, co-opt a person to fill the vacancy.
- 2.5 In the case of a casual vacancy occurring within six months before the day on which that councillor would regularly have retired, paragraph 2.4 shall have effect with the substitution of the word "may" for "must"; and any vacancy not so filled must be filled at the next ordinary election.

3 Qualifications / Disqualifications

- 3.1 Qualification Criteria:
 - i. Be an elector for the parish; or
 - ii. has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
 - iii. had their principal place of work in the parish; or
 - iv. lives within three miles of the parish.
- 3.2 There are certain disqualifications for election, of which the main are:
 - i. holding a paid office with the parish council;
 - ii. bankruptcy;
 - iii. 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 five years preceding the election; and being disqualified under any enactment relating to corrupt or illegal practices.

4 Application Process

- 4.1 Notice of the intention to consider co-option will be included on the agenda as a separate item at the Parish Council meeting following the notice from Stafford Borough Council that the vacancy may be filled by co-option.

- 4.2 The Clerk will publish a notice announcing that the vacancy can be filled by co-option and invite expressions of interest. The notice will be placed on the Noticeboards, and on the Parish Councils website and Facebook page, and will include:
- i. A contact point so that people considering putting their names forward for co-option can obtain more information on the role of a parish councillor.
 - ii. Contact details to where expressions of interest should be made
 - iii. The closing date for co-option applications.
 - iv. The date and place of the parish council meeting at which applications will be considered.
- 4.3 When expressions of interest are received, the Clerk will provide all applicants with the Parish Council's Application & Eligibility Form (Appendix A). The form is also available to download from the Parish Councils website.
- 4.4 All candidates will be required to complete the Councillor Application & Eligibility Form.
- 4.5 The Clerk will:
- i. Confirm candidates' eligibility for the position of parish councillor within the statutory rules;
 - ii. Inform candidates whether candidates meet the eligibility criteria and that their application will be put forward for consideration.
- 4.6 Redacted copies of candidate applications, printed on pink, will be circulated to all Parish Councillors with the agenda pack prior to a full meeting of the Council where the co-option is to be considered. All such documents will be treated by the Clerk and Councillors as strictly private and confidential and be returned to the Clerk after the meeting.
- 4.7 The person co-opted must receive an absolute majority vote of the councillors present and voting. For example, where there is a council of six members and all are present and voting, the absolute majority is four. Where there are more than two candidates for the vacancy, it may be necessary to run a series of votes, each time removing the candidate who has the least number of votes until one candidate secures an absolute majority. The usual rules on voting apply.
- 4.8 Provided that the meeting has a quorum, the decision must be made by a majority of members who are present and voting. Members must vote by show of hands. A tie in votes may be settled by the casting vote exercise by the chairperson of the meeting
- 4.9 The Parish Council's debate and vote on the co-option must be conducted in the public section of its meeting. It follows that the candidates, as members of the public, will be entitled to be present during the proceedings. Co-option should be within a period of 60 days beginning with the day of which the Notice of Vacancy was dated.
- 4.10 Candidates will be invited to the meeting to introduce themselves and speak in support of their application. It will also provide Councillors with the opportunity to seek, through the Chair, clarification on submissions within the application form.

- 4.11 If a candidate is a relative of a Councillor or has connections with any candidate which may be perceived as prejudicial, that Councillor should declare an interest and withdraw from the meeting. Under any of these circumstances a vote by the Councillor concerned is not allowed.
- 4.12 If there are exactly as many as, or fewer candidates than vacancies, the Parish Council may vote on a composite motion, duly proposed and seconded, that all candidates be co-opted. If there are more candidates than vacancies, it will be necessary for existing Councillors present at the meeting to vote.
- 4.13 Where the council is considering the co-option of a councillor to fill a vacancy under s.89 of the Local Government Act 1972, it shall be under no obligation to accept any candidate.
- 4.14 After the vote any candidates that are not present at the meeting, will be notified of the results by the Clerk, as soon as is reasonably possible (usually within 24 hours).

5 Obligations on co-opted councillors

- 5.1 Successfully co-opted candidates become Councillors in their own right, with immediate effect, and are no different to any other member. As such, they must sign the Declaration of Acceptance of Office and Registration of Interests Form at their first meeting, or within 28 calendar days of co-option.
- 5.2 The successful candidate(s) will also confirm that they will comply with and abide by the Parish Council's Code of Conduct, as they had previously indicated on their Application and Eligibility Form.
- 5.3 The successful candidate's term of office runs until the next quadrennial elections for the Parish Council.