



Whitfield Parish Council

Co-option and Selection of Councillors

June 2016 - Issue 2

1. Forward

Co-option is the process where;

The council chooses someone to fill a vacancy if insufficient candidates are proposed for seats at an election. An ordinary election occurs every four years but there may be an election when a seat falls vacant at other times. In addition, if a vacancy occurs between elections (for example, by the resignation of a councillor), the council must generally find out if the electors want an election before they can co-opt. It is better for democracy if councillors are elected rather than relying on co-option, so they can be confident that the council is the community's choice of representatives. *[Extract from the Good Councillor's Guide 2016]*

2. Qualifications to be a councillor

In Order to be considered for co-option to Whitfield Parish Council the candidate must be qualified to do so. Qualification to serve as a Councillor is covered by Section 79 of the Local Government Act 1972.

A Councillor must be a British, Commonwealth, Irish or European Union citizen, and 18 years of age or over, and fulfil one or more of the following four criteria:

- i. Be on and remains to be on the Register of Electors for the Parish; or
- ii. Has occupied as owner or tenant any land or other premises in the Parish during the whole of the twelve months preceding the nomination; or
- iii. Had a principal or only place of work in the Parish during the whole of the twelve months preceding the nomination; or
- iv. Resided either in the Parish or within three miles of it during the whole of the twelve months preceding the nomination.

Note: If a candidate's only qualification of the four is (i), to be on the Register of Electors for the Parish, and subsequently comes off the Register of Electors, the qualification would lapse. The other three qualifications remain valid for the four year term, so even if a successful candidate left the parish he/she would not be required to resign, although it might be considered appropriate to do so.

A person cannot serve as a Councillor if they are disqualified under the terms of Section 80 of the same Local Government Act 1972.

- i. They are the subject of a bankruptcy restriction order or interim order.
- ii. They have, within 5 years, been convicted in the United Kingdom of any offence and have had a prison sentence (whether suspended or not) for a period of over 3 months without the option of a fine.
- iii. They work for the Parish Council..

Candidates must satisfy the Council that they are eligible under the Act.

3. Insufficient Members after ordinary election

Where insufficient members are elected at an ordinary election but the Parish Council nevertheless has a quorum, the Parish Council has 35 days from the date of the election to co-opt persons to fill those vacancies without the necessity of advertising for a potential by-election.

[Paragraph 12 of Part II of Schedule 12 to the Local Government Act provides that three or one third of the total number of Parish Councillors, whichever is greater, is necessary for a meeting to have a quorum].

4. Vacancies at other times

Between ordinary elections seats may be vacated for reasons such as resignation, death, disqualification, failure to sign the Declaration of Acceptance of Office, and failure to attend meetings for a period of six consecutive months without prior approval of the Parish Council.

When a vacancy arises on the Parish Council for any of the above reasons, the process to fill the vacancy is as follows:

The clerk must notify the Returning Officer at Dover District Council of the vacancy.

The Parish Council must display a notice informing the residents of the parish of the vacancy. The notice will run for 14 days (not counting weekends or bank holidays) from the date it is displayed on Parish notice boards, and gives the residents the opportunity to call for an election to fill the vacancy during this period. The Parish Council will also post the notice on the parish website and, if the publication schedule allows, in the Parish Newsletter.

or,

If the vacancy occurs within six months of the next scheduled elections for the Parish Council, there is no option to hold an election. The Parish Council may fill the vacancy by co-option.

5. Calling an election

During the period of fourteen days from the date the public notice of the vacancy was displayed, ten electors from the parish can call for an election to be held to fill the vacancy. They must make their request in writing to the Returning Officer. If such a request is received within the 14 days, the Returning Officer will set a date for the election (within 60 days of the date of the vacancy notice).

Notices will be displayed announcing the election and explaining how to apply to be a candidate for election.

The cost of any election is borne by the Parish Council. If there are not enough nominated candidates at the election to fill the vacancies, a further election must be called.

Co-option is not an option.

6. If an election is not called

If the Parish Council is notified by the Returning Officer that no requests have been made for a by-election, the vacancy must be filled by co-option as soon as practicable.

7. Co-option process

The Parish Council will advertise the vacancy (or vacancies) on the Parish Notice Boards, on the Parish Website and in the Parish Newsletter.

The notices will include:

- Contact details so that people considering putting their names forward for co-option can obtain more information on the role of a Parish Councillor;
- The closing date for all expressions of interest;
- The date on which the Parish Council intends to make a decision;
- Details of the Parish Council Website, where these procedures for co-option and other relevant information will be available.

It is in order for Parish Councillors to approach individuals to suggest that they might wish to consider putting their names forward for co-option.

All Applicants should:

- Check that they meet the qualification requirements;
- Confirm that they would be willing to accept the Code of Conduct and other obligations of a Parish Councillor;
- Send an introductory letter of application to the Parish Clerk.

The letter should contain some personal and background information to demonstrate that they have an interest in local matters, are able and willing to represent the Council and their community, have the time and commitment to attend meetings as necessary, along with reasons why they wish to become a councillor and what they think they would contribute to the Parish Council.

When the applications have been received, the Parish Clerk will check them and circulate copies to Parish Councillors before the meeting at which the decision will be made.

Candidates will be informed of the date of the meeting at which the Parish Council will make its decision on co-option.

8. Co-option meeting

Notice of the intention to co-opt will be added to the agenda for the meeting of the Parish Council. Candidates will be invited to the meeting to introduce themselves and to provide councillors the opportunity to ask questions of them.

The Parish Council can decide to rely on the written submissions alone.

If candidates are not invited to speak at the co-option meeting they are welcome to attend as members of the public.

The Parish Council may only discuss co-option of each candidate when he/she and members of the public are not present in closed session.

9. Co-option Voting Process

Each Candidate who is duly proposed and seconded will be put forward to a vote. Acceptance will be by simple majority.

If there are more proposed and seconded candidates than vacancies, each vacancy should be filled by a separate vote or series of votes.

Each vote shall be taken with any candidate having an overall majority being co-opted. If no Candidate has an overall majority, the one with the fewest votes is eliminated and the remainder put to the vote again. The process should be repeated as necessary until one candidate has an overall majority.

10. After the Vote

The clerk will notify the candidates of the results by email, as soon as is reasonably possible (usually within 24 hours).

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 election, whichever is the sooner.

Their term of office runs until the next quadrennial elections for the Parish Council.

The Parish Clerk will advise the Monitoring Officer of the successful candidate.