

PRESTON PARISH COUNCIL

Doc011 – Co-Option Policy

Adopted May 2024

Chair: Margaret Trinder

Introduction

1.1 Although the process for co-option to vacancies of local councils is not prescribed in law, this policy is based on research from HAPTC and other Parish Councils

1.2 Of paramount importance is that all applicants are treated alike so that arrangements are seen to be open, fair and transparent. This policy sets out the process to be followed by Preston Parish Council when co-option is under consideration.

1.3 Whenever the need for co-option arises, Preston Parish Council will seek and encourage applications from anyone who is eligible to stand as a Parish Councillor (see section 3).

1.4 The Parish Council is not obliged to co-opt to fill any vacancy. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.

1.5 Any candidate(s) found to be offering inducements or any kind of undue pressure will be disqualified.

1.6 It is not desirable that electors of the Parish be left partially or unrepresented for a significant length of time; neither does it contribute to the effective and efficient working of the Parish Council if there are insufficient Councillors to share the workload equitably, provide a broad cross-section of skills and interests, or to achieve meeting quorums without difficulty, given that some absence is unavoidable at times. However, this must not be used as an excuse to co-opt and the vacancy will remain an agenda item until filled.

1.7 Councillors elected by co-option are full members of the Parish Council.

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 Electoral Services Manager at North Hertfordshire District Council (NHDC), who will supply them with a copy of the requisite Notice of Vacancy for posting.

2.2 Should the requisite 10 electors of the Parish have not called for a poll (by-election) within the legally specified time period (currently 14 days) following the publication of the Notice of Vacancy, the Parish Clerk is notified by NHDC that the vacancy may be filled by co-option.

2.3 On receipt of written notification from the Electoral Services Manager at NHDC that a casual vacancy can be filled by means of co-option, the Clerk will produce a notice announcing that the vacancy can be filled by co-option and invite expressions of interest. The notice will be placed on the village Noticeboard, in the newsletter and emailed via the Parish Council database and PNS. The notice will include:

- 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.
- Contact details to where expressions of interest should be made, usually the Clerk, via email or hard copy.

2.4: In an election year, if not enough Councillors are elected, the Parish Council will endeavour to co-opt more members as soon as possible. Items 2.1, 2.2 and 2.3 above do not apply in this instance but the process below will be followed.

3. Qualifications / Disqualifications

Qualification Criteria

A candidate for a Parish Council is qualified if, when nominated –

- he or she is a UK or commonwealth citizen / a citizen of the Republic of Ireland / a citizen of another Member state of the European Union;
- is 18 years of age, and
- is either in the list of electors for that Parish or has during the whole of the preceding twelve months:
 - occupied land as owner or tenant in it, or
 - had a principal place of work there, or
 - resided in or within three miles of it.

Disqualifications

A person cannot stand for election if they:

- are the subject of a bankruptcy restriction order or interim order
- within 5 years before the day of the election, been convicted in the UK 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
- being disqualified under any enactment relating to corrupt or illegal practices

4. Application Process

4.1 When expressions of interest are received, the Clerk will provide all applicants with the Parish Council's Application Form, Information on the role of Parish Councillors and a copy of the Parish Council's Code of Conduct.

4.2 The Clerk will then consider completed forms to check that the individual(s) meets with the qualification requirements.

4.3 All candidates are asked to complete the Councillor Application Form and redacted copies will be circulated to all Parish Councillors with the agenda packs 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.

4.4 Candidates for Co-option will be informed of the date of the meeting at which the Parish Council will make its decision. Notice of the Intention to consider Co-option will be included on the agenda as a separate item at a Parish Council meeting.

4.5 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 that they are not sure of.

5. Voting Process

5.1 Only Councillors present at the meeting may vote upon a person to fill the vacancy. Councillors will have one vote per vacancy to be filled.

5.2 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.

5.3 The Parish Council will appoint co-opted members by voting according to Standing Orders which is by a show of hands.

5.4 A successful candidate must receive an absolute majority vote of those present at the Parish Council meeting when the co-option is being made. If the number of candidates exceeds the number of vacancies then each vacancy must be filled by a separate vote or series of votes.

5.5 (i) If there is more than one candidate, the Parish Council must hold a ballot amongst its members at the meeting. They must do so by successive counts to eliminate the least successful candidate until the successful candidate has an absolute majority of those present.

5.5(ii) This will often be a simple procedure but if several candidates have the same number of least votes e.g. 3;2;2 and negotiations for withdrawals fail, then the Council must strike them off one by one in order determined by vote.

6 After the vote:

6.1 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.

6.2 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.

6.3 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. Should the new Councillor not comply with or breach the Code of Conduct, then the Electoral Services Manager at North Hertfordshire District Council will be advised, who will then deal with the matter

6.4 The successful candidate's term of office runs until the next quadrennial elections for the Parish Council.

This policy will be reviewed every four years when a new Parish Council takes up office.

Reviewed: May 2024 **Next Review:** May 2027