

Ashdon Parish Council

Co-option Procedure

Index

1. Introduction
2. Ordinary Vacancy
3. Casual Vacancy
4. Confirmation of Co-option
5. Eligibility of Candidates
6. Applications
7. Co-option

Co-opted Councillor Person Specification

Casual Vacancy Form

(Please contact the Clerk for the application forms)

1 Introduction

- 1.1 This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Ashdon Parish Council.
- 1.2 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.
- 1.3 The co-option of a parish councillor occurs in two instances:
 - when an ordinary vacancy has arisen on a Parish/Town Council after the ordinary elections held every four years,
 - when a casual vacancy has arisen on a Parish/Town Council and no poll (by-election) has been called.

2 Ordinary Vacancy

- 2.1 An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on a Parish/Town Council at the ordinary elections held every four years. Any candidates who were nominated are automatically elected to the Parish/Town Council and any remaining vacancies are known as “ordinary vacancies”. Provided there are enough parish councillors to constitute a quorum, the Parish/Town Council is usually able to co-opt to fill the vacancies.

3 Casual Vacancy

- 3.1 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 months to attend meetings of a council committee or sub-committee or to attend as a representative of the council a meeting of an outside body.
- 3.2 The Parish Council must notify the District Council of a casual vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten electors write to the District Council stating that an election is requested.
- 3.3 If an election is called, a polling station will be set up by Uttlesford District Council and electors will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. Ashdon Parish Council will pay the costs of the election. Eligible candidates have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, the District Council will advise the Clerk of the closing date.
- 3.4 If more than one candidate is then nominated, an election takes place but if only one candidate is put forward they are duly elected without a ballot.
- 3.5 If ten electors do not request a ballot within fourteen days of the vacancy notice being posted, as advised by the District Council, the Parish Council is able to co-opt to fill the vacancy.

4 Confirmation of Co-option

- 4.1 On receipt of written confirmation from the District Council that no by-election has been claimed, the casual vacancy can be filled by means of co-option.
- 4.2 The Clerk will:
- advertise the vacancy for four weeks or such other period as the Parish Council may agree on the Parish Council notice boards and website,
- 4.3 This procedure will also apply in the case of an ordinary vacancy where the District Council has confirmed that there were insufficient nominations to fill all the seats but there are sufficient parish councillors elected to constitute a quorum.

5 Eligibility of Candidates

- 5.1 The Parish Council can consider any person to fill a vacancy provided that:
- he/she is 18 or over,
 - he/she is 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:
- he/she is an elector for the Parish and continues to be an elector,
 - or has resided in the Parish for the past twelve months or rented/tenanted land in the Parish,
 - or has had his/her principal or only place of work in the Parish for the past twelve months,
 - or has lived within three miles of the Parish for the past twelve months.

- 5.2 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,
 - being disqualified under any enactment relating to corrupt or illegal electoral practices.

6 Applications

- 6.1 Candidates will be requested to:
- Submit information about themselves, by way of completing a short application form,
 - Confirm their eligibility for the position of parish councillor within the statutory rules.
- 6.2 Following receipt of applications, the next suitable Full Council meeting will have an agenda item 'To receive written applications for the office of Parish Councillor and to co-opt a candidate to fill the existing vacancy'.
- 6.3 Eligible candidates will be invited to attend the meeting.
- 6.4 Copies of the eligible candidates' applications will be circulated to all parish councillors by the Clerk at least 3 clear days prior to the meeting of the Full Council, when the co-option will be considered.
- 6.5 All such documents will be treated by the Clerk and all parish councillors as strictly private and confidential.

7 Co-option

- 7.1 At the Full Council meeting, candidates will be given five minutes maximum to introduce themselves to the parish councillors, give information on their background and experience and explain why they wish to become a member of the Parish Council. The process will be carried out in the public session and there will be no private discussions between councillors 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.
- 7.2 Following the candidate presentations/addresses, councillors will proceed to a vote in the form of an anonymous ballot.
- 7.3 In order for a candidate to be co-opted to the Parish Council, it will be necessary for them to obtain an absolute majority of votes cast. 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.
- 7.4 Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the event of a tied ballot, the Chairman has the casting vote.
- 7.5 The ballot(s) will be counted by the Parish Clerk and Chairman.

- 7.6 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.
- 7.7 The Clerk will notify the District Council of the co-option of the new parish councillor.
- 7.8 The co-opted parish councillor must complete a Register of Interests form within 28 days of becoming a councillor.
- 7.9 If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.