

CHARMINSTER PARISH COUNCIL

CO-OPTION POLICY

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Charminster Parish Council.

Casual Vacancy:

According to section 87 of the 1972 Act, a casual vacancy occurs when:

- a councillor fails to deliver his declaration of acceptance of office at the proper time.
- a councillor dies.
- a councillor resigns.
- a councillor becomes disqualified.
- a councillor fails to attend meetings for six consecutive months.

Dorset Council (Electoral Services) is notified of the vacancy and the Electoral Services Dept publish a Notice of Vacancy. The notice will be displayed for fourteen days during which ten members of the parish can demand an election takes place. If called the by-election is, then organised by Dorset Council. If an election is not called, then the Parish Council will fill the seat by co-option.

Ordinary Vacancy (vacancies after an election):

If there are not enough candidates to fill the remaining vacancies the Representation of the People Act 1985, section 21 allows the elected members, provided there is a quorum (i.e., one third of the whole numbers of members with a minimum of three) to co-opt members to fill the remaining vacancies.

Eligibility for Co-option

A person is eligible to be co-opted provided they are qualified to be a councillor see appendix B

Co-option Process

To make the process of co-option open and transparent the Parish Council will.

- consider advertising the vacancy to seek and encourage 'expressions of interest' by a specified date from anyone in the Parish who is eligible to stand as a Parish Councillor.
- Notices will be put on the website, Facebook, and village noticeboard.
- All potential candidates will be requested to provide a concise written statement of why they are interested in joining the Parish Council, what they feel they can bring to/offer the Parish Council, listing any previous Community/Council work, their skills and experience. (Appendix A)
- All potential candidates to declare or certify in writing that they meet the criteria for eligibility set out below. (Appendix B)
- The Parish Council will consider the candidates for co-option to fill any vacancy at a Parish Council meeting.
- Copies of the eligible candidates' applications will be circulated to all Parish Councillors by the Clerk at least three clear days prior to the meeting of the Parish Council.
- All such documents will be treated by the Clerk and all parish councillors as strictly private and confidential.
- If they wish, each candidate may make a short statement to the Council.
- The process will be conducted in the public session and there will be no private discussions between members prior to a vote being taken. However, where the Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Council should resolve to exclude the members of the press and public.
- Declarations of interest must be made by Parish Councillors as each candidate is considered, (e.g.: family ties, friendships, business relationships etc). This does not prevent Councillors from voting.

Voting:

- This must take place in a public meeting.
- Only Councillors present at the meeting may vote; Each councillor must vote. No councillor may abstain.
- If a member is not at the meeting the legislation does not provide for a proxy or postal vote.
- Even if there are fewer candidates than vacancies, each candidate must receive an absolute majority vote of those members present at the meeting, no majority, no co-option. There is no “co-opted uncontested” provision within the law.
- If there are more candidates than vacancies, the candidate with the least number of votes should be taken off the list of candidates, and if there are still more candidates than vacancies, the vote is taken again. This procedure should be repeated until the number of candidates equals the number of vacancies, and each candidate has a majority vote.
- The Chair may only use his casting vote if two successive voting rounds are stalemated.

Declaration of Acceptance of Office:

Those co-opted must sign a declaration of acceptance of office before they join any meeting of the council as a member (If the successful candidate is present at the meeting where the co-option is agreed they will sign the Declaration of Acceptance of Office and be able to participate in the meeting.)

Term of Office:

A person elected or co-opted to fill a casual vacancy holds office until the person in whose place they are elected or appointed would regularly have retired.

Notification of Co-option:

The Clerk will request the new member completes their Registration of Interests online within 28 days of being co-opted.

References

NALC LTN 8 | Elections and Co-option – June 2020

Local Government Act 1972

Representation of the People Act 1985

APPENDIX A

CHARMINSTER COUNCIL CO-OPTION APPLICATION FORM

Name:
Address:
Telephone Number:
Email Address:

Please provide a concise written statement of why you are interested in joining the Parish Council, including what you feel you can bring to/offer the Parish Council, listing any previous Community/Council work, your skills and experience.

Use of Personal Information
The Parish Council will use your information, including that which you provide on this application form, to assess your suitability to be a Parish Councillor.

Declaration and Consent
I have read the section entitled "Use of Personal Information" and by signing this form I consent to the use and disclosure of my information included in this application form.

I declare the information given on this form to be true and correct.

NAME: SIGNED:

DATE:

Please return this form, together with the completed Co-option Eligibility Form to:
Mrs Michele Harding, The Clerk, Charminster Parish Council, Charminster Community Hall, Weir View,
Charminster, DT2 9QY.

APPENDIX B

CHARMINSTER PARISH COUNCIL CO-OPTION ELIGIBILITY FORM

In order to be eligible or co-option as a Parish Councillor you must be:

- a. be at least 18 years old
- b. be a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union, and meet at least one of the following four qualifications:
 - i. You are, and will continue to be, registered as a local government elector for the parish/community in which you wish to stand from the day of your nomination onwards.
 - ii. You have occupied as owner or tenant any land or other premises in the parish/community area during the whole of the 12 months before the day of your nomination and the day of election.
 - iii. Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the parish/community area.
 - iv. You have lived in the parish/community area or within three miles of it during the whole of the 12 months before the day of your nomination and the day of election.

Disqualifications

Apart from meeting the qualifications for standing for election, you must also not be disqualified. There are certain people who are disqualified from being elected to a parish or community council in England and Wales.

- i. You are employed by the parish/community council or hold a paid office under the parish/community council (including joint boards or committees).
- ii. You are the subject of a bankruptcy restrictions order or interim order.
- iii. You have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day.
- iv. You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations). The disqualification for an illegal practice begins from the date the person has been reported guilty by an election court or convicted and lasts for three years. The disqualification for a corrupt practice begins from the date a person has been reported guilty by an election court or convicted and lasts for five years.
- v. A person may also be disqualified from election if they have been disqualified from standing for election to a local authority following a decision of the First-tier Tribunal (formerly the Adjudication Panel for England) or the Adjudication Panel for Wales.

Declaration and Consent

I hereby confirm that I am eligible for the vacancy of a Parish Councillor, and I am not disqualified.

I have read the section entitled "Use of Personal Information" and by signing this form I consent to the use and disclosure of my information included in this form.

Name: Signature: Date: