Kingskerswell Parish Council

Co-option Policy

Date: 19th December 2023
Agreed at Full Council Meeting: 29th January 2024

Introduction

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

Co-option

The co-option of a parish councillor occurs in two instances:

When an ordinary vacancy has arisen on the Parish Council after the ordinary elections held every four years, or when a casual vacancy has arisen on the Parish Council and no poll (by-election) has been called.

Ordinary vacancy

An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the Parish Council at the ordinary elections held every four years.

Any candidates who were nominated are automatically elected to the Parish Council and any remaining vacancies are known as "ordinary vacancies".

Provided there are enough parish councillors to constitute a quorum, the Parish Council is generally able to co-opt a volunteer to fill the vacancies.

In some cases, Teignbridge District Council may intervene and make an appointment or order an election to fill the vacancies.

Casual vacancy

A casual vacancy occurs when:
- A councillor fails to make their declaration of acceptance of office at the proper time
- A councillor resigns
- A councillor dies
- A councillor becomes disqualified; or
- 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.

The Parish Council must notify the District Council of a casual vacancy and then advertise the vacancy and give electors for the ward the opportunity to request an election. This occurs when ten electors write to the District Council stating that an election (by-election) is requested.

If a by-election is called, a polling station will be set up by Teignbridge District Council and the people of the ward will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper.

The Parish Council will pay the costs of the election.

The people of the ward have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services Office of Teignbridge District Council will advise the Clerk of the closing date.

If more than one candidate is then nominated a by-election takes place but if only one candidate is put forward, they are duly elected without a ballot.

If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advised by the Electoral Services Office, the Parish Council is able to co-opt a volunteer.

Procedure

On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, the casual vacancy can be filled by means of co-option.

The Clerk will advertise the vacancy for four weeks or such other period as the Parish Council may agree.

This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office has confirmed that there were insufficient nominations to fill all the seats but there are sufficient parish councillors elected to constitute a quorum.

Eligibility of Candidates

The Parish Council can consider any person to fill a vacancy provided that:
• he/she is 18 or over; and
• he/she is a British citizen or a qualifying Commonwealth citizen; 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.

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; or

• being disqualified under any enactment relating to corrupt or illegal electoral practices.

Applications

Candidates will be requested to:
• Attend at least one Parish Council meeting as observers
• Submit information about themselves by way of a brief statement explaining why they wish to become a member of the Parish Council and detailing their background and relevant experience and skills
• Confirm their eligibility for the position of parish councillor within the statutory rules, (see eligibility of candidates).

Following receipt of applications, the next suitable Parish Council meeting will have an agenda item 'To receive written applications for the office of Parish Councillor and to co-opt a candidate(s) to fill the existing vacancy (vacancies)'.

Eligible candidates will be invited to attend the meeting.

Copies of the eligible candidates' statements will be circulated to all parish councillors by the Clerk at least 3 clear days prior to the meeting of the full Parish Council, when the co-option will be considered. All such documents will be treated by the Clerk and all parish councillors as strictly private and confidential.

At the co-option meeting

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to the parish councillors (members), 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 members 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.

As soon as all candidates have finished giving their submissions, the Parish Council will proceed to a vote with each candidate being proposed and seconded by the councillors in attendance (as defined in the Standing Orders) and a vote by a show of hands (LGA 1972 Sch. 12. Para 13).

A recorded vote may be requested by a councillor to show whether each councillor present and voting, gave his/her vote for or against that question. Legislation does not provide for a proxy or postal vote.

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 (50% + 1 of the votes available at the meeting).

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. Each councillor must vote, no abstention allowed. The Chairman may only use their casting vote if two successive voting rounds are stalemated.

Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority.

If present, a candidate who is co-opted will sign at the co-option meeting 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.

The Clerk will notify Teignbridge District Council Electoral Services Office of the co-option of the new parish councillor.

The co-opted parish councillor will complete a Notification of Disclosable Pecuniary and Other Interests form which the Clerk will lodge with the Monitoring Officer at Teignbridge District Council within 28 days of the co-option.

If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.

Status and Review

This policy was adopted by Kingskerswell Parish Council at a meeting of the full council on 29th January 2024. It will be reviewed periodically. Date of latest review June 2025.