

**CO-OPTION POLICY AND PROCEDURE**

**INTRODUCTION**

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

1.1 **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.

1.2 **Casual vacancy**

1.2.1 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; or

• A councillor fails for six (6) months to attend meetings of the Council (or to attend as a representative of the council a meeting of an outside body) and such absence has not been approved by the Council

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1.2.2 The Parish Council must notify Wiltshire 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 (10) electors write to Wiltshire Council stating that an election is requested.

1.2.3 If a by-election is called, a polling station will be set up by Wiltshire Council and the people of the parish 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 bear the costs of the election. The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services Office of Wiltshire Council will advise the Clerk of the closing date.

1.2.4 If more than one (1) candidate is then nominated a by-election takes place but if only one (1) candidate is put forward they are duly elected without a ballot. If ten (10) residents do not request a ballot within fourteen (14) days of the vacancy notice being posted, as advised by the Electoral Services Office, the Parish Council is able to co-opt a volunteer.

2. **CONFIRMATION OF CO-OPTION**

2.1 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 on the Parish Council notice board and website.

• Advise Wiltshire Council that the co-option policy has been instigated.

2.2 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.

3. **ELIGIBILITY OF CANDIDATES**

3.1The 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.

3.2 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; or

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

4. **APPLICATIONS**

4.1 Candidates will be requested to:

• Submit information about themselves, by way of completing a short application form (a copy of the application form is attached as Appendix A);

• Confirm their eligibility for the position of parish councillor within the statutory rules, (a copy of the eligibility form is attached as Appendix B).

4.2 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.

4.3 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 Parish Council, when the co-option will be considered.

4.4 All such documents will be treated by the Clerk and all parish councillors as strictly private and confidential.

4.5 **Canvassing of and Recommendations by Councillors – canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from appointment. The Proper Officer shall disclose the requirements of this** **policy to every candidate.**

5. **AT THE CO-OPTION MEETING**

5.1 At the Council meeting when the co-option takes place, each nominee will be invited to speak for up to 5 minutes and then asked to leave the meeting whilst the PC deliberates. When all nominees have spoken the Chairman shall seek proposers and seconders for each nomination (whether or not they have spoken) and the vote will follow. The voting process will follow the process as set our below which is in accordance with our Standing Orders (item 8.) In order to be co-opted onto the Council, the candidate must receive an absolute majority of the vote of those present.

5.2 Voting on Appointments: where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman’s casting vote. Legislation does not provide for a proxy or postal vote.

5.3 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.

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

5.8 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 Wiltshire Council within 28 days of the co-option.

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

**APPENDIX A**

Kilmington Parish Council Co-Option Application Form

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| Name: |  |
| Address: |  |
| Postcode: |  |
| Telephone number: |  |
| Email address: |  |
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| Please state why you want to become a councillor and give details of any experience you have that is relevant to Kilmington Parish Council (if necessary, continue onto a separate sheet). |
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| Is there any information you would like to disclose regarding your application? (If necessary, continue onto a separate sheet). |
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| **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. Your information will be held in confidence and not disclosed to third parties. |

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| Declaration & 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.  SIGNED\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ NAME\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  DATE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

Please complete and return this form, together with the complete Co-option Eligibility Form to:

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| The Parish Clerk  Kilmington Parish Council | Tel: 01747 840371  Email: parishclerk@kilmingtonwiltshire.org |

**APPENDIX B**

**Kilmington Parish Council Co-Option Eligibility Form**

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| 1. **In order to be eligible for co-option as a Kilmington Parish Councillor you must satisfy certain criteria. You must satisfy (a) and (b) below and at least one of the options (c) – (f). Please tick which apply to you**:   a. I am 18 years of age or over; and □  b. I am a British citizen or a citizen of the Commonwealth or a citizen of any other  member state of the European Union; and □  c. I am registered as a local government elector for the parish; or  d. I have, during the whole of the twelve months preceding the date of my co-option □  occupied, as owner or tenant, land or other premises in the parish; or □  e. My principal or only place of work during those twelve months has been in the parish; or □  f. I have during the whole of those twelve months resided in the parish or within 3 miles of it. □   1. **Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being a parish councillor if he/she:**    1. Is employed by the parish council or holds paid office under the parish council (including joint boards or committees);    2. Is employed by an entity controlled by the parish council;    3. Is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or a debt relief restrictions order or an interim debt relief restrictions order; or    4. Has within five years before the day of co-option, or since his/her co-option, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine; or    5. Is otherwise disqualified under Part III of the Representation of the People Act 1983 (relating to corrupt or illegal electoral practices and offences relating to donations) or the Audit Commission Act 1998. |
| **Use of Personal Information**  The Parish Council will use the information provided on this form to assess your eligibility to be a parish councillor. |
| **Declaration & Consent**  I ………………………………………………………………………………………………… herby confirm that I am eligible for the vacancy of Kilmington Parish Councillor and I am not disqualified under s80 of the Local Government Act 1972 from being a parish councillor and that the information given on this form is true and correct.  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.  Signature…………………………………………………………………………………  Name ……………………………………………………………………………………..  Date ………………………………………………………………………………………. |