



Kessingland Parish Council

Councillor Co-Option Policy and Procedure

1. Introduction

According to Section 87 of the Local Government Act 1972 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 subcommittee or to attend as a representative of the Council a meeting of an outside body.

When one of the above happens, the Parish Council has to notify the District Council of a Casual Vacancy who then produce a Notice of Election giving the electors the opportunity to request an election. This occurs when ten (or more) electors write to East Suffolk Council stating that an election is requested. This then results in the following two situations:

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

However, if less than 10 electors call for an election then the District Council will advise the Parish Council that no election has been called and the Parish Council can co-opt a member to fill the vacancy on the council.

2. Co-option Legislation and Guidance

In the event of no election being called to fill a Councillor vacancy for Kessingland Parish Council, the Council will co-opt membership to the Parish Council in accordance with legislation as defined in the Local Elections (Parishes and Communities) (England and Wales) Rules 2006, SI 2006/3305 r 8(3) and the Local Government Act 1972 Sch 12, para 3. Due and fair consideration will be also be given to advice and guidance as provided by bodies such as (but not limited to) the National Association for Local Councils (NALC), the Society of Local Council Clerks (SLCC) and the Essex Association for Local Councils (EALC). The Council will follow a process which is fair, open and transparent and in compliance with the Equality Act 2010.

3. Qualifying Criteria

Individuals must meet the eligibility criteria in accordance with the LGA 1972, s79 and must be:

- A British subject, or a citizen of the Commonwealth or the European Union **AND**
- On the relevant date (i.e. the day on which you are co-opted) be 18 years of age or over

ALSO

- Be a local government elector for the Council area for which you want to stand on the 'relevant date' **OR**
- Have occupied as owner or tenant any land or other premises in the Council area during the whole 12 months preceding that day **OR**
- Had your principal or only place of work in the Council area during that same period, **OR**
- Have resided in the Council area during that 12-month period **OR**
- Have lived within 4.8km (3 miles) of the Council area for the whole of the 12 months preceding the 'relevant date'

Kessingland Parish Council will seek and encourage applications from any individual meeting the qualifying criteria as detailed above.

4. Disqualifying Criteria

A person is disqualified from being a Town Councillor if within five years before their election or since election:

- They have served a prison sentence (including suspended sentences) of three months or more within the last five years
- They have been adjudged a bankrupt
- They are disqualified under legislation

They also cannot be co-opted if they are currently an employee of the Parish Council

5. Notification of Intention to Co-opt.

A notice will be displayed on the Kessingland Parish Council website and whenever possible will be advertised via other council media such as social media, notice boards and the parish newsletter. At least 14-days' notice will be given to notify the Clerk of an interest of being co-opted to Kessingland Parish Council.

The notice will detail:

- the method by which applications can be made
- the closing date for all applications

- the date that the co-option will take place
- a contact point to obtain more information
- that further information is available electronically via the website, to include application forms and information about the roles and responsibilities of the council

Councillors and/or parishioners can legally approach individuals to suggest that they might wish to consider putting their names forward for co-option as a candidate.

Candidates found to be offering inducements of any kind to members or officers of the Parish Council will be disqualified.

6. Applications

Applicants for co-option will be asked to submit information about themselves by way of completing an application form which will be available from the Parish Council office as well as the Parish website. The form will include a declaration of eligibility for candidates to sign as well as to provide eligibility information and to submit a personal statement of no more than 250 words.

The deadline for returning the forms will be set at noon, seven days prior to the co-option meeting.

7. Candidate Information

Candidate information will be provided to existing councillors prior to the meeting as confidential information due to it containing personal information. Councillors will not discuss any candidate's application prior to the meeting at which they come forward for co-option nor will they make any decision about preference between candidates based on those applications but simply about the candidate's eligibility and suitability.

8. The Co-Option Meeting and Election Process

The co-option to fill a vacancy on the council will generally take place at a regular meeting of the Parish Council however council has the right to hold a special meeting to deal with co-options should it decide.

Co-option will form a stand-alone item on the meeting agenda and, depending on circumstances, be positioned either as near the start or end of the meeting as possible. The whole co-option process will be carried out in public however candidates may not be present during the whole process. Candidates do not have to be present at the meeting and can be asked to be purely judged on their application.

The agenda item will consist of four separate parts:

1. A vote on the following motion
“Kessingland Parish Council agrees to co-opt a councillor/councillors using the co-option procedure as detailed in the Kessingland Parish Council Co-option Policy at this meeting for this vacancy”
The council has no obligation to co-opt even though candidates may have applied. If the motion is carried then the co-option is carried, if it falls then council will restart the co-option process. If there is more than one vacancy this motion will be moved prior to each.
2. Candidate Presentations
A candidate will be asked to give a short three-minute presentation about themselves and what they could bring to the council and what they would like to achieve as a councillor. If there is more than one candidate, they will be taken in the alphabetical order of their family name. Wherever possible only the candidate addressing the council will be present during their presentation with other candidates in a waiting area so that later candidates do not have the advantage of listening to earlier candidates. There will be no questions asked at this point.
3. Candidate Questions
All candidates will re-join the meeting and council will have the opportunity, if they wish, to ask questions of the candidates. This is not an opportunity to question an individual candidate but to address a question to all candidates (unless there is just a single candidate). The Council Chair will pre-set a time limit for this session. At the end of the question session, council will move to the vote. Councillors will make their own determination about their vote on the application, presentation and questions without any discussion about the candidates.
4. The vote
The vote **must** take place in public and members present at the meeting will vote in accordance with the Council’s Standing Orders which currently advise that voting must be by a show of hands. The candidates will be given the choice of whether they wish to be present during the vote or simply wish to be advised of the outcome of the vote. If they choose the latter, they may leave before the vote or may retire to a waiting area. This is also true of any guests by whom they are accompanied. However, no one can be made to leave the meeting unless they break council meeting guidelines.

9. The Voting Process

Voting will be according to the statutory requirement in that a successful candidate must have received an absolute majority vote of those present and voting.

If there is more than one vacancy being considered for co-option then each vacancy must be taken individually even if the number of vacancies matches the number of candidates.

Each councillor will have one vote in each election, they may vote for a candidate or they may choose to abstain from the vote. If they abstain in a vote that vote is still counted in determining an absolute majority. If a candidate is a relative of an existing councillor, that councillor may declare a prejudicial interest and withdraw from the meeting. In that case the councillor would not count in determining the absolute majority.

If there are more than two candidates for one vacancy and neither one of them receives an absolute majority over the aggregate votes given to the rest, steps must be taken to 'strike off' the candidate with the least number of votes and the remainder must then be put to the vote again. For example, if Candidate A receives four votes and Candidates B and C receive two each, Candidate A is not elected as he has the same number of votes as B and C together. In such a case it is necessary to conduct a ballot between the tied candidate to eliminate one of them. In the case of a tie at such a point the council chair would have a casting vote. This process must, if necessary, be repeated until an absolute majority is obtained. At each vote, the number of votes for each candidate must be noted along with the number of abstentions.

If when there are two candidates remaining neither candidate can achieve an absolute majority then the candidate with the lowest vote would be eliminated and the vote would progress to a being in favour or against appointing the remaining candidate. If both candidates were equal in vote then it would be down to the Council Chair to determine which candidate to eliminate.

10. Successful Candidates

Successfully co-opted candidates become Councillors in their own right with immediate effect, once they have signed the "Declaration of Acceptance of Office, and are no different to any other member.

Where a meeting is not in person the co-opted member will be asked to sign a Declaration of Acceptance of Office as soon as possible and at the next meeting of the council will swear their oath and agree to be bound by the Council's adopted Code of Conduct. They may then take their seat at Council and will be

appointed to a committee(s), appointed a mentor and may be considered to represent the council to local organisations.

The Parish Clerk will notify the District Council and ensure that the new councillor is listed on the Register of Interests and as soon as practicable following their co-option, any newly co-opted members will be invited to attend an Induction and Training session with the Parish Clerk and Council Chair. This should take place where possible before the next Parish Council meeting. Following that the Clerk will arrange for new councillor training via SALC (or an appropriate alternative) as soon as possible.

11. Other Candidates

Where a candidate has been unsuccessful in being co-opted because another candidate achieved a higher vote, they will be asked if they would like to have their application kept on file for future vacancies. Council will still advertise a vacancy and carry out the co-option process as determined by this policy but their application will automatically be considered unless they request otherwise.

12. Policy Review

The council will review this policy annually and in line with any changes to legislation or guidance from bodies in section 2.