

## **Loxwood Parish Council**

### **Councillor Co-option Policy:**

1. Introduction: This policy sets out the procedure to ensure that there is compliance with legislation and continuity of procedures in the co-option of members to LOXWOOD PARISH COUNCIL ('the Council'). The Co-option procedure is entirely managed by the Council and this policy will ensure that a fair and equitable process is carried out.

2. Co-option: The Co-option of a Parish Councillor occurs when a casual vacancy has arisen on the Council and no poll (by-election) has been called. 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 (6) 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.

The Council must notify Chichester District Council (CDC) 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 CDC stating that an election is requested. If a by-election is called, a polling station will be set up by CDC and the electors will be asked to vote for candidates who have put themselves forward by way of a nomination paper. Loxwood Council will pay the costs of the election. The electors have fourteen (14) days (not including weekends, bank holidays and other notable days) to claim the by-election; but the Electoral Officer will advise the Clerk of the closing date. If more than one candidate is 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 (14) days of the vacancy notice being posted, as advertised by CDC, the Council is able to co-opt a volunteer.

3. Confirmation of Co-option: On receipt of written confirmation from the Electoral Services Office of CDC, the casual vacancy can be filled by means of Co-option. The Parish Clerk will:

- Advertise the vacancy for four weeks on the Council's website.
- Advise the Council that the Co-option Policy has been instigated.

The Council is not obliged to fill any vacancy. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates that apply. However, despite this, it is not desirable that electors be left underrepresented for a significant length of time. Neither does it contribute to effective and efficient working of the Council if there are insufficient Councillors to share the workload equitably; to provide a broad cross-section of skills and interests; or to achieve meeting quorums without difficulty. Councillors elected by co-option are full members of the Council.

4. Eligibility of Candidates: The Council can consider any person to fill a vacancy provided that:

- they are an elector of the Parish; or

- have resided in the Parish for the past twelve (12) months, or rented/tenanted land or other premises in the Parish; or
- have their principal place of work in the Parish; or
- have lived within three (3) miles (direct) of the Parish.

There are certain disqualifications for election, of which the main are:

- holding a paid office under the Local Authority;
- bankruptcy;
- having been sentenced to a term of imprisonment (whether suspended or not) of not less than three (3) months, without the option of a fine during the five (5) years preceding the election; and
- being disqualified under any enactment relating to corrupt or illegal practices. Candidates found to be offering inducements of any kind will be disqualified.

5. Applications: Members may point out the vacancies and the process to any qualifying candidate(s). Although there is no statutory requirement to do so, candidates will be requested to:

- submit information about themselves by way of completing a short application form (**Appendix A**);
- confirm their eligibility for the position of Councillor within the statutory rules (**Appendix B**).

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'. Copies of the application(s) will be circulated to all Councillors by the Clerk at least three (3) clear days before the meeting of the full Council when the Co-option will be considered. All such documents will be treated as strictly confidential by the Clerk and Councillors. Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of the Council. Candidates will also be informed that they will be invited to speak about their application at the meeting.

6. At the Co-option Meeting: At the Co-option meeting candidates will be given five (5) minutes maximum to introduce themselves to Members, give information on their background and experience and explain why they wish to become a member of the Council. The process will be carried out by adjourning the meeting to allow the candidate to speak. Where the Council wishes to discuss the merits of candidates and inevitably their personal attributes, this could be prejudicial and the Council will resolve to exclude members of the press and public. Once all candidates have finished giving their submissions, the Council will proceed to vote on the acceptability of each candidate utilising the Person Specification criteria as set out in **Appendix C** and any personal statements provided by the candidate(s), with each candidate being proposed and seconded by the Councillors in attendance and a vote by use of a show of hands unless a signed ballot is requested

The vote will be recorded. Voting must take place during a public meeting whilst the candidate(s) are present. The procedure should involve the whole Council and be open. For a candidate to be elected to the 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. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the case of an equality of votes, the Chair of the meeting has

a casting vote. After the vote has been concluded, the Chair will declare the successful candidate duly elected and, after signing their Declaration of Acceptance of Office, they may take their seat immediately.

The Clerk will notify Electoral Services of the new appointment. The successful candidate(s) must complete their 'Registration of Interests' within 28 days of being elected. The form should be handed to the Clerk for forwarding to the Monitoring Officer. If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised.