



CO-OPTION POLICY

Abstract

Vacancies among the parish councillors may arise for a variety of reasons, e.g. resignation or disqualification. This policy document sets out the process for co-opting individuals onto the Council and for managing vacancies.

Lapford Parish Council

lapfordpc@live.co.uk
www.lapfordparishcouncil.btck.co.uk

DOCUMENT CONTROL

Author

Dr Juliet Cross, Clerk and Responsible Financial Officer

Date	Version	Status	Description
29/08/18	0.1	Draft	Draft document circulated to councillors.
04/09/18	1.0	Final	Document approved with amendments at council meeting held on 4 September 2018 (Minute: 18.328).
14/05/19	1.1	Review	Policy approved with no amendments by new Council at Annual Meeting of the Council held on 14 May 2019 (minute 19.176). Corporate amendments made.

Review Cycle

Every four years at the Annual Meeting of the Council after the election of the parish councillors or in response to new or amended statutory requirements. Next review due May 2023.

Legislation and Regulation

- Local Government Act 1972
- Representation of the People Act 1983
- Representation of the People Act 1985
- Lapford Parish Council's related documents:
 - Co-option application form
 - Co-option eligibility form

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1. INTRODUCTION

Parish councillors are elected by the residents of the parish (section 16 (2) of the Local Government Act 1972) every four years. A parish councillor may also be returned by by-election, co-option or appointment by the District Council.

Vacancies may arise for a variety of reasons, e.g. resignation, death or an individual being disqualified as they no longer meet the eligibility criteria for a parish councillor. This policy document sets out the process for co-opting individuals onto Lapford Parish Council (the Council) and for managing vacancies.

In accordance with the Local Government Act 1972, individuals seeking election or co-option onto the Council must meet certain eligibility criteria and must not be disqualified from becoming a parish councillor.

2. NOTICE OF VACANCY

- 2.1 Following written confirmation that a councillor has resigned, been disqualified or has passed away, the Clerk will advise the Council that a vacancy has arisen by sending an email to all councillors.
- 2.2 As soon as is reasonably practicable, the Clerk will inform the Returning Officer at the Electoral Services Office, Mid Devon District Council, in writing that a vacancy has arisen and will provide the name of the person who has resigned, been disqualified or passed away.
- 2.3 The Electoral Services Office will send the Clerk a Notice of Vacancy. This gives registered electors in the parish the opportunity to call a by-election to fill the vacancy if they wish. They have 14 clear working days to contact the Returning Officer to do this. The Returning Officer's details will be provided on the Notice.
- 2.4 The Notice will be displayed on the Council's website and noticeboard(s) as soon as is reasonably practicable.
- 2.5 The Clerk will inform the Electoral Services Office which day the Notice is published so the 14 clear working days for the deadline for election requests can be calculated.
- 2.6 The Electoral Services Office will contact the Clerk after the deadline to let them know if the required ten signatures requesting an election have been received. If a by-election is to be held, the process will be led by the Electoral Services Office.
- 2.7 If there are not sufficient election requests, the Parish Council may go ahead and co-opt a new councillor. If the next ordinary election is due within a six-month period, the Parish Council may resolve not to fill the vacancy by co-option.

3. CO-OPTION PROCEDURE

- 3.1 On receipt of written confirmation from the Electoral Services Office at Mid Devon District Council that no by-election has been called, the Clerk will advertise the vacancy for four weeks on the Council's website and noticeboard(s). Where appropriate, a notice will be placed in the local magazine.
- 3.2 The Clerk will advise the Council that the co-option procedure has been instigated by sending an email to all councillors.
- 3.3 Applicants for co-option will be asked:
 - To complete a short application form to provide information about themselves (see Appendix A); and

- To complete an eligibility form to confirm their eligibility for the position of parish councillor within the statutory rules (see Appendix B).
- 3.4 The Clerk will review the received forms and will circulate copies of the application forms that meet the eligibility criteria to all councillors at least three working clear days prior to the next Full Council meeting when the co-option will be considered.
- 3.5 Applicants will be invited to attend the Full Council meeting when the co-option will be considered. They will be invited to give a short presentation and may be asked questions.
- 3.6 Discussion about the applications and voting will take place in the open council session.
- 3.7 Voting shall be by a show of hands unless a majority of councillors wants a ballot.
- 3.8 A vote will be held and all members of the council present may give a vote. An applicant must receive an absolute majority of votes in their favour in order to be co-opted.
- 3.9 Where more than two persons have applied for one vacancy 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 an absolute majority of votes is given in favour of one person. In cases of equal votes, the chair of the meeting will have a second or casting vote.
- 3.10 Only the proposer and seconder will be recorded in the notes unless a councillor requests that their vote is noted. A councillor may also request that the Clerk records how each councillor has voted, including abstentions. Any request of this nature must be made before moving on to the next business.
- 3.11 After the voting has been concluded, the chair of the meeting will declare the successful candidate duly co-opted. If none of the applicants receive an absolute majority of votes in their favour, the chair of the meeting will declare that there has been no co-option.
- 3.12 If the vacancy is not filled, the Clerk will re-advertise the vacancy as soon as is reasonably practicable after the council meeting.
- 3.13 If the next ordinary election is due within a six-month period, the Parish Council may resolve not to fill the vacancy by co-option.
- 3.14 The Clerk will inform all applicants in writing of the outcome of the voting. The Clerk will confirm in writing the term of office for any co-opted member as it will not run beyond the date of the next ordinary election.

4. VACANCIES AFTER AN ORDINARY ELECTION

- 4.1 If, following an ordinary election there are insufficient persons nominated to fill all the available seats, the Parish Council has 35 days from the date of the election to co-opt persons to fill those vacancies without the necessity of advertising for a potential by-election.
- 4.2 If, following the election, there are insufficient councillors elected to form a quorum, the Clerk must advise the Electoral Services Office at Mid Devon District Council who can either appoint persons to be parish councillors or order another election (see section 39(4) Representation of the People Act 1983 and section 21(2) Representation of the People Act 1985).

5. TEMPORARY APPOINTMENTS IF THE PARISH COUNCIL BECOMES INQUORATE

- 5.1 If the Parish Council becomes inquorate due to the number of vacancies, the Clerk will notify the Electoral Services Office at Mid Devon District Council that the Parish Council is unable to operate due to being inquorate.

- 5.2 The Electoral Services Office will verify the number of seats on the Parish Council and that it is inquorate. They will also identify the number of appointments required in order for the Parish Council to be quorate.
- 5.3 The district ward member(s) in which the Parish Council is located will be offered the opportunity to be appointed to the Parish Council as a temporary appointment until such time as the vacancies are filled either by a by-election or by co-option. Where there are insufficient district ward members available for appointment to achieve a quorum, the relevant county ward member may also be approached.
- 5.4 In the event that insufficient district ward and county members are available and willing to be temporarily appointed in order to make up a quorum, it may be necessary to approach other parties. The Returning Officer of the Electoral Services Office is authorised to appoint any other person, following consultation with the district ward member(s) for the parish affected and the Clerk.
- 5.5 All temporary appointments will end once sufficient members are elected or co-opted to the parish council.
- 5.6 In the event that no temporary appointments can be made, the parish council will remain inquorate until a by-election is held or individuals are co-opted resulting in sufficient numbers of parish councillors to be quorate.
- 5.7 In accordance with Section 91(3) of the Local Government Act 1972, the Returning Officer will send two copies of the order to the Secretary of State. This will also be copied to the Clerk. The order will stipulate the names of the appointed persons and the date their appointment will expire.

6. TEMPORARY APPOINTMENTS IF ALL THE PARISH COUNCILLORS RESIGN

- 6.1 In the case when all the parish councillors resign at the same time, temporary appointments must be made to the parish council under section 91 of the Local Government Act 1972.
- 6.2 The Clerk will notify the Electoral Services Office at Mid Devon District Council that the parish council is unable to operate due to being inquorate.
- 6.3 The Electoral Services Office will verify the number of seats on the parish council and that it is inquorate. They will also identify the number of appointments required in order for the parish council to be quorate.
- 6.4 The district ward member(s) in which the parish council is located will be offered the opportunity to be appointed to the parish council as a temporary appointment until such time as the vacancies are filled either by a by-election or by co-option. Where there are insufficient district ward members available for appointment to achieve a quorum, the relevant county ward member may also be approached.
- 6.5 In the event that insufficient district ward and county members are available and willing to be temporarily appointed in order to make up a quorum, it may be necessary to approach other parties. The Returning Officer of the Electoral Services Office is authorised to appoint any other person, following consultation with the district ward member(s) for the parish affected and the Clerk.
- 6.6 All temporary appointments will end once sufficient members are elected or co-opted to the parish council.
- 6.7 In the event that no temporary appointments can be made, the parish council will remain inquorate until a by-election is held or individuals are co-opted resulting in sufficient numbers of parish councillors to be quorate.

- 6.8 In accordance with Section 91(3) of the Local Government Act 1972, the Returning Officer will send two copies of the order to the Secretary of State. This will also be copied to the Clerk. The order will stipulate the names of the appointed persons and the date their appointment will expire.

APPENDIX A – LAPFORD PARISH COUNCIL CO-OPTION APPLICATION FORM

Please answer all the questions and continue on a separate sheet if necessary. If you would like advice or assistance, please contact the Clerk (contact details at the end of the form).

Section 1. Your details

Full name
Address for correspondence
Email address for correspondence
Telephone number (daytime)
Are you 18 years old or over? Yes ☐ No ☐

Section 2. Your experience

Please provide details of any experience you have that may be relevant to Lapford Parish Council
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Section 3. Any other information

Is there any other information regarding your application that you would like to disclose?
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Signed: _____

Date: _____

Please return your completed form, together with the Co-option Eligibility Form, to Dr Juliet Cross, Clerk to Lapford Parish Council, 28 Four Ways Drive, Chulmleigh, EX18 7AZ or email: lapfordpc@live.co.uk **by no later than [INSERT DATE].**

APPENDIX B – LAPFORD PARISH COUNCIL CO-OPTION ELIGIBILITY FORM

Please return your completed form, together with the Co-option Application Form, to Dr Juliet Cross, Clerk to Lapford Parish Council, 28 Four Ways Drive, Chulmleigh, EX18 7AZ or email: lapfordpc@live.co.uk **by no later than [INSERT DATE]**.

1. Eligibility Criteria

A person is qualified to be co-opted as a Lapford Parish Councillor, if he/she is a qualifying Commonwealth citizen, or a citizen of the Republic of Ireland, or a relevant citizen of the European Union, and on the 'relevant date' (i.e. the day on which he/she is co-opted) has reached 18 years of age and:

- is registered as a local government elector for the parish; or
- has during the whole of the twelve months preceding the date of co-option, occupied as owner or tenant, any land or other premises in the parish; or
- his/her principal or only place of work during the whole of the twelve months preceding the date of co-option has been in the parish; or
- has during the whole of twelve months preceding the date of co-option resided in the parish or within 3 miles of it.

Please circle which of the above applies to you.

2. Disqualification Criteria

Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being elected as a Local Councillor or being a member of a Local Council if he/she:

- a) holds any paid office or employment of the local council (other than the office of Chairman) or of a joint committee on which the council is represented; or
- b) is a person who is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order, or a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986¹; or
- c) has within five years before the day of election, or since his/her election, 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
- d) is otherwise disqualified under Part III of the Representation of the People Act 1983 for corrupt or illegal practices.

I (*insert name*) hereby confirm, that I am eligible to apply for the vacancy of Lapford Parish Councillor, and the information given on this form is a true and accurate record.

Signed: _____

Date: _____

¹A person who is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order, or a debt relief restrictions order or interim debt relief order becomes disqualified from the date of the judgement or execution.