

LYDDEN PARISH COUNCIL
CO-OPTION TO VACANCIES POLICY

This policy was adopted by the Council at its Meeting held on June 4 2019

1. Introduction

1.1 Although the process for co-option to vacancies of local councils is not prescribed in law, NALC's Legal Briefing L15-08 (Original date of issue: 23 July 2008 Re- issue: 7 May 2015) provides guidance.

1.2 Of paramount importance is that all applicants are treated alike so that arrangements are seen as open, fair and transparent. This policy sets out the process to be followed by Lydden Parish Council when co-option is under consideration.

1.3 Whenever the need for co-option arises, Lydden Parish Council will seek and encourage applications from anyone who is eligible to stand as a Parish Councillor. Councillors and parishioners can legally approach individuals to suggest they might wish to consider putting their names forward for co-option and encouraging them to register their expression of interest.

1.4 The Parish Council is not obliged to co-opt to fill any vacancy. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.

1.5 Any candidate(s) found to be offering inducements or any kind of undue pressure will be disqualified.

1.6 However, it is not desirable that electors of the Parish be left partially or unrepresented for a significant length of time; neither does it contribute to the effective and efficient working of the Parish Council if there are insufficient Councillors to share the workload equitably, provide a broad cross-section of skills and interests, or to achieve meeting quorums without difficulty, given that some absence is unavoidable at times. However, this must not be used as an excuse to co-opt and the vacancy will remain an agenda item until filled.

1.7 Councillors elected by co-option are full members of the Parish Council.

2. Process

2.1 In the event of a vacancy occurring due to resignation, death or ineligibility, the Clerk will immediately inform the Elections Office at Dover District Council (DDC), who will then supply the requisite Notice of Vacancy for posting.

2.2 The Parish Council will place the Notice of Vacancy supplied by the Elections Office at Dover District Council on noticeboards and the website. The notice will also be displayed in other locations if instructed by the Council.

2.3 Should the requisite 10 electors of the Parish have not called for a poll (by-election) within the legally specified time period (currently 14 days) following the publication of the

Notice of Vacancy, the Parish Clerk is notified by DDC that the vacancy(ies) may be filled by co-option.

The Parish Council may then decide if they wish to proceed to co-opt within 28 days or wait for a period of up to 6 months before proceeding

2.4 On receipt of written notification from the Elections Office at DDC that a casual vacancy can be filled by means of co-option and on instruction from the Council, the Clerk will place a notice announcing that the vacancy(ies) to be filled by co-option and asking for expressions of interest. The notice will include:-

- A contact point so that people considering putting their names forward for co-option can obtain more information on the role of a parish councillors
- Contact details to where expressions of interest should be made (usually the Clerk, via email or hard copy)
- The closing date for all expressions of interest

3. Application Process

3.1 When expressions of interest have been received, the Clerk will provide all applicants with the Eligibility information/criteria for return confirmation. (Electoral Commission – updated January 2019)

3.2 After receipt of confirmation of Eligibility the Clerk will then confirm that, if successful, they would be willing to accept the Code of Conduct and other obligations of a Parish Councillor.

3.3 All candidates may be asked to provide written evidence of experience, knowledge, ability, interests and circumstances, based on NALC Guidance L15-08.

This evidence will be circulated to Parish Councillors at least seven days prior to a full meeting of the Council where the co-option will be considered. All such documents will be treated by the Clerk and Councillors as strictly private and confidential.

3.4 Candidates will be informed of the date of the meeting at which the Parish Council will make its decision on the co-option. Notice of the Intention to Co-opt should be given in the agenda for the meeting of the Parish Council.

3.5 Candidates may be invited to the meeting to introduce themselves and to provide Councillors the opportunity to ask questions of them, or the Council may decide to rely on the written submissions alone. If candidates are not invited to speak at the co-option meeting, they are welcome to (but are not required to) attend as members of the public. The Council may only discuss each candidate's suitability for the role, when he/she and members of the public are not present.

3.6 Only Councillors present at the meeting may vote upon a person to fill the vacancy. Councillors will have one vote per vacancy to be filled.

3.7 If a candidate is a relative of a Councillor or has connections with any candidate which may be perceived as prejudicial, that Councillor should declare an interest and withdraw from the meeting. Under any of these circumstances a vote by the Councillor concerned is not allowed.

3.8 The Parish Council will appoint co-opted members by voting according to Standing Orders.

3.9 If there are exactly as many as, or fewer candidates than vacancies, the Parish Council may vote on a composite motion, duly proposed and seconded, that all candidates be co-opted. If there are more candidates than vacancies, it will be necessary for existing Councillors present at the meeting to vote.

3.10 Voting will be by a show of hands, unless a Councillor requests a secret ballot or the Chairman directs that one will take place.

3.11 If there are more candidates than vacancies, Arnold Baker's "Local Council Administration" recommends that:

i) A successful candidate should have received an absolute majority vote of those present and voting. So if there are more than two candidates for one vacancy and none of them at the first count has an overall majority, the candidate with the fewest votes should be eliminated and the remainder put to the vote again. The process should be repeated as necessary until one candidate has an overall majority.

ii) Each vacancy should be filled by a separate vote or series of votes. In a small council there is a distinct possibility that there could be a tie for last place in the first round of voting, leaving the candidate for elimination to be decided by lots.

iii) The Chair has the casting vote.

3.12 After the vote:

i) The Clerk will notify the candidates of the results by email, as soon as is reasonably possible (usually within 24 hours)

ii) Successfully co-opted candidates become Councillors in their own right, with immediate effect, and are no different to any other member. As such, they must sign the Declaration of Acceptance of Office and Declaration of Pecuniary Interests forms at their first meeting, or within 28 calendar days of election whichever is the sooner. The successful candidate(s) will also confirm that they will comply with and abide by the Parish Council's Code of Conduct.

Should the new Councillor not comply with or breach the Code of Conduct, then the Monitoring Officer at Dover District Council will be advised, who will then deal with the matter`

iii) The successful candidate's term of office runs until the next quadrennial elections for the Parish Council.

NOTES:

This document is based upon a study of legislation, guidelines and practices of other Local Councils.

It is intended as a summary of the most relevant points of procedure and legislation, rather than a definitive exposition.

Unless specified otherwise, periods of days given in this document refer to working days in that they exclude weekends and public holidays.

Legislation covering casual vacancies can be found at The Local Elections (Parishes and Communities) (England and Wales) Rules 2006:

<http://www.legislation.gov.uk/uksi/2006/3305/article/5/made?view+plain>

Date calculation is provided in Schedule 2 Part 1 para 2 of those Rules:

<http://www.legislation.gov.uk/uksi/2006/3305/schedule/2/made?view+plain> made 4 March 2014