



Sutton Cheney Parish Council

CO-OPTION POLICY

INTRODUCTION

This policy sets out the procedure to be followed by Sutton Cheney Parish Council when co-option is under consideration and provides guidance to ensure arrangements are open, fair and transparent.

COOPTION PROCESS

The co-option of a parish councillor occurs under two instances – each one discussed in detail below:

- a) during the life of a council when a seat become vacant due to resignation, death, disqualification or failure to remain qualified and no by-election has been called.
- b) when a seat has been left vacant because no eligible candidate stood for election during an ordinary election held every 4 years for a new council

CO-OPTION DURING THE COUNCIL TERM

A councillor may resign at any time by written notice delivered to the Clerk to the Parish Council. The resignation must be accepted: there is no procedure for withdrawing a notice of resignation once it is made. The resignation takes effect immediately upon receipt. Other causes of a vacancy include death, failure to sign the Declaration of Acceptance of Office and failure to attend meetings for a period of six consecutive months without prior approval of the Parish Council.

In the event of a vacancy occurring due to resignation, death, disqualification or failure to remain qualified, the Clerk will immediately inform the Elections Office at Hinckley and Bosworth Borough Council, who will then supply the required **Notice of Vacancy** for publication to give residents the opportunity to call for a by-election. The notice will also be displayed on noticeboards and the Parish Council website, as well as other locations as instructed by the Council.

The Notice of Vacancy will be displayed for the legally specified time period of 14 days (excluding weekends or bank holidays). If this notice does not initiate the **10 electors** required by legislation to call for a by-election, the Parish Clerk is notified by HBBC that they must fill the position by co-option as soon as practicable.

All co-option vacancies will then be advertised within **21 days** of being advised by HBBC that there has been no call for a by-election. All co-option publicity will include a closing date for applications (35 days after the date of notice) and the number of vacancies.

If the vacancy occurs within **six months** of the next scheduled election for the Parish Council, there is no option to hold an election. The Parish Council may fill the vacancy by co-option.

COOPTION FOLLOWING AN ELECTION

Alternatively, following an election where there has been fewer nominations than seats, then all those validly nominated will be automatically declared elected. If enough Councillors were elected to form a quorum, then the Parish Council should fill any remaining vacant seats using the co-option route. Only under this circumstance is there no statutory requirement to give public notice of vacancies which remain unfilled after an ordinary election (s.21(2) Representation of the People Act 1985). However, Sutton Cheney Parish Council will always give public notice of all vacancies that arise under these circumstances to encourage transparency and to attract more applicants.

It is permissible for Parish Councillors (or any parishioner) to approach individuals to suggest that they might wish to consider putting their names forward for co-option.

APPLICATION PROCESS

Further information will be provided as part of the application to candidates.

All candidates will be expected to put their request for consideration in writing using the application form that will be available from the Clerk and to download via the Parish Council's website.

VOTING PROCESS

A vote will be taken either by a show of hands or by signed ballot, whichever is requested by a majority of members; all candidates will be considered.

The applicant with the least number of votes cast will be ruled out and the vote taken again and again etc. until the number of candidates equals the number of vacancies.

Candidates will be furnished, either as paper copy or e-mail, with a full agenda of the meeting at which they are to be considered for selection with the Members' Code of Conduct and Standing Orders of the council. The successful candidates will immediately sign their Declaration of Acceptance of Office and can then act as councillors. They are to be reminded that their Register of Interest must be filled in within 28 days and passed on to the District Council's monitoring officer. Subsequent to the meeting a copy of the Induction Folder will be issued to the newly co-opted member(s) and arrangements will be made for induction training.

It is a criminal offence to make a false statement on the application as to their qualification for being elected, so if they are in any doubt they should contact their employer, consult the legislation or, if necessary, take independent legal advice. The Returning Officer will not be able to confirm whether or not they are disqualified.

APPLICATION PROCESS

When application forms have been received after the closing date, the Clerk will consider completed forms to check eligibility and confirm that, if successful, they would be willing to accept the Code of Conduct and other obligations of a Parish Councillor.

All completed forms will be circulated to Parish Councillors 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.

"Notice of the Intention to Co-opt" should be given as an agenda item for the meeting of the Parish Council.

Candidates will be informed of the date of the meeting at which the Parish Council will make its decision on the co-option and are invited to the meeting to introduce themselves and to provide Councillors the opportunity to ask questions of them during the public participation sessions.

The council is not obliged to co-opt any candidate but will provide reasons for such a decision.

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 and voting process.

A vote will be taken either by a show of hands or by signed ballot, whichever is requested by a majority of members.

All eligible candidates must be considered. The applicant with the least number of votes cast will be ruled out and the vote taken again and again etc. until the number of candidates equals the number of vacancies.

AFTER THE VOTE

Successfully co-opted candidates become Councillors with immediate effect and are no different to any other member. As such, they must sign the Declaration of Acceptance of Office and Registration of Interests Form at their first meeting, or within 28 calendar days of election whichever is the sooner.

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

Adopted May 2019

Minute Reference 96/19