COPDOCK AND WASHBROOK PARISH COUNCIL

CO-OPTION OF COUNCILLORS POLICY

Casual Vacancies

Vacancies may arise during the term of a council due to resignation etc. This is known as a 'casual vacancy'.

According to section 87 of the 1972 Act, a casual vacancy occurs when:

- a councillor fails to deliver his declaration of acceptance of office at the proper time; or
- a councillor resigns; or
- a councillor dies; or
- a councillor becomes disqualified or the expiry period for making an application or appeal or, if an appeal or application has been made, the date that any such application or appeal process comes to an end; or
- on the date of a report or certificate of an election court that declares an election void; or
- a councillor fails to attend Parish Council related meetings for six consecutive months.

Should this happen, the Clerk will notify the Electoral Services department of Babergh District Council that a vacancy has arisen. Under section 87(2)(b) of the 1972 Act, the local council must give public notice of all vacancies as soon as practicable after the casual vacancy is deemed to have occurred and in accordance with the requirements of section 232 of the 1972 Act.

A Notice for the Parish Council to publish on its website and on physical noticeboards, will be provided by the Electoral Services Department thus providing everyone an opportunity to request an election if they wish to do so.

The Electoral Services team will advise the Clerk of relevant dates and deadlines relating to the vacancy, which must be adhered to by law.

Rule 5 of the Local Elections (Parishes and Communities) (England and Wales) Rules 2006, provides that on a casual vacancy occurring in the office of Councillor, an election to fill the vacancy shall be held if within fourteen days after the date of this notice has been given in accordance with section 87(2) of the Local Government Act 1972, notice in writing of a request for such an election has been given to the proper

officer of the council of the district within which the parish is situated by TEN electors of that parish.

The electoral officer will advise the Clerk of the closing date.

The Clerk will receive notification from Babergh District Council advising if a by-election has been called (see section 2) or not called (see section 3).

A by-election is called

If a poll has been requested for a casual vacancy, it is no longer permissible for the Parish Council to seek to fill such a vacancy by co-option, even if the initial poll does not result in any person being nominated for election.

If a by-election is called, a polling station will be set up by Babergh District Council and the people of Copdock and Washbrook will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper.

The Parish Council is obliged to pay the costs of the election.

If more than one candidate is nominated, a by-election takes place; if only one candidate applies, they would be duly elected without a ballot (subject to eligibility).

Filling the vacancy by co-option

If no by-election has been requested, the Parish Council has the power to co-opt a person onto the Parish Council to fill a casual vacancy by the co-option process.

The Parish Council is then required to fill the vacancy at the next available opportunity, which is usually at the next full Council meeting. The exception to this rule is in the case of a casual vacancy occurring within six months of the day on which the councillor would normally have retired from office (i.e. four days after the next ordinary election). In these circumstances, the Parish Council may wait until the next scheduled elections.

Vacancies will be advertised on the Parish Council website and on the Parish Council noticeboard.

Expressions of interest will be invited by filling in a co-option application form by potential new members. Nominees will be supplied with the qualification requirements and must satisfy themselves as to their eligibility to seek office.

Upon receipt of the completed co-option application form(s), the Clerk will invite the nominees to the next Full Council meeting, where an opportunity will be given for them to speak to the Council in support of their application and for Councillors to ask them questions. Councillors elected by co-option are full members of the Parish Council.

Qualifying criteria for holding office

Unless disqualified, under s.79, Local Government Act 1972 a person is qualified to be elected (or co-opted) to a council if they are a qualifying Commonwealth citizen, or an EU citizen, are 18 years of age or over and:

- on that day they are and continue to be an elector for the town; or
- during the whole of the previous 12 months have occupied as owner/tenant any land or other premises in that area; or
- their principal or only place of work during those 12 months has been in that area; or
- has resided in, or within three miles of Copdock and Washbrook for the past twelve months.

Disqualification from office

Under s.80 of the 1972 Act, a person is disqualified from being a Councillor if:

- they hold any paid office or employment with the Parish Council; or
- they are the subject of a bankruptcy restrictions order, an interim restrictions order, a debt relief restrictions order, or interim order; or
- they have been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the preceding five years; or
- they have been disqualified under any enactment relating to corrupt or illegal electoral practices.

Voting procedure

Where there are the same number, or less, eligible candidates than vacancies, the Council shall resolve to co-opt them to the Council.

If there are more applicants than there are vacancies, a vote will take place to co-opt the new councillor(s). This should generally be by show of hands, but if requested by two Members, may be by written ballot. Ballot slips must show the name of the voting Member; anonymous votes are not allowed.

A vote will be taken for each vacancy, and each applicant will need a proposer and seconder. Councillors will have the opportunity to vote for and against each applicant for the vacancy. For an applicant to be considered they will need more votes for them rather than against them. The person with the highest number of votes for them (rather than against) will fill this vacancy. If there are further vacancies again the remaining

applicants will need a proposer and seconder and again votes will be taken for and against each applicant until all available seats have been voted for.

The Council isn't obliged to fill all vacancies if there are insufficient votes for candidates and they are not obliged to give feedback on this to unsuccessful candidates.

At the meeting

When applications have been received, the co-option will be placed on the agenda of a suitable meeting of the Parish Council.

If there are the same number of, or less, eligible candidates than vacancies then the Council shall resolve to co-opt them to the Council.

Where there are more candidates than vacant seats, the Council will select the required number by a process of voting. The selection will be an open, fair process with the public present, including candidates unless they choose to leave. Each candidate will be given an opportunity to briefly address the Council should they wish. All valid applications will be considered, including those of candidates not present.

In cases of more than one vacancy, each will be dealt with separately. Members will be asked to vote for their preferred candidate. An absolute majority is required and if there are more than two candidates, the process in Standing Order 8 will be followed.

Once the process has been completed, the Council then co-opts the successful candidate to the Council with a formal resolution. The successful candidates take office immediately and can take part in the remainder of the meeting should they wish to do so.

Declaration of Acceptance of Office

New councillors must make a declaration of acceptance of office, witnessed by the Clerk. Where possible, this will be dealt with at that meeting, but the law only requires it to be made at/before the next meeting (or a later meeting agreed by Council).

Notification of Disclosable Pecuniary and Other Interests

All councillors are required under the Localism Act 2011 to complete a "Notification of Disclosable Pecuniary and Other Interests" form within 28 days of taking office.