

Sedgwick Parish Council

Co-option Procedure

1 INTRODUCTION

There are two ways in which a co-option can be required;

- There have been insufficient candidates to fill all of the available seats at an election
- A casual vacancy has arisen between elections for reasons such as a councillor
 - failing to make a declaration of acceptance within the proper time
 - resigning or passing away
 - becoming disqualified
 - failing to attend a meeting for six months without giving apologies

2 PROCEDURE

To ensure that a fair and transparent process is undertaken, the following procedure will be followed

1. The Parish Clerk will advise Westmorland and Furness Council that a cooption is required:
2. On receipt of written confirmation from Westmorland & Furness that the vacancy can be filled by means of co-option, the Parish Clerk will:
 - a. advise the Council that the co-option procedure has been instigated by sending an email all Councillors
 - b. advertise the vacancy for 4 weeks on the Council notice board and website;
3. Applicants for co-option will be asked to:
 - a. submit a written statement about themselves
 - b. complete a short application form (obtainable from the Clerk) see appendix.
 - c. complete the eligibility form (obtainable from the Clerk) see appendix - in which they confirm that they fulfil the following criteria
 - is an elector for the parish; or
 - has resided in the parish for the past twelve months or rented/tenanted land in the parish; or
 - has his/her principal place of work in the parish; or
 - has lived within three miles radius (direct) of the parishAnd that they are not disqualified because:
 - They hold a paid office for the Parish Council under the local authority
 - Bankruptcy
 - Having 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 five years preceding the election; and
 - Being disqualified under any enactment relating to corrupt or illegal practice
4. Copies of the applicant(s)' written statement(s) and application form(s) will be circulated to all Councillors by the Clerk at least seven days prior to the meeting of the Council at which the co- option will be considered. All such documents will be treated by the Clerk and all Councillors as strictly private and confidential.
5. If appropriate, Councillors will be made aware of any gaps in required skills or expertise existing on the Council by the Clerk.
6. The application(s) will be considered at the next available Parish Council meeting. The press and public will be asked to leave the Council meeting whilst the application(s) is(are) considered. The Council must ensure that the candidates discussed satisfy the eligibility requirements and decide which candidate(s), if any will go forward. There is no obligation on the Council to fill the vacancy if no suitable candidates put themselves forward. After

due consideration the chairman of the meeting will reconvene the meeting. It will be reopened to the public and press and voting will then take place.

7. If the number of candidates is less than or equal to the number of vacancies to be filled, a single composite motion can be used to fill more than one vacancy. If the number of candidates exceeds the number of vacancies, then a vote (or series of votes) must be conducted in accordance with paragraph 7.
8. Voting will be in accordance with the statutory requirements in that a successful candidate must have received an absolute majority vote of those present and voting. If there are more than two candidates for one vacancy and no one of them at the first count receives a majority over the aggregate votes given to the rest, the candidate with the least number of votes is eliminated from the process. The remainder must be put to the vote again and this process must, if necessary, be repeated until an absolute majority is obtained. If two candidates poll the same number of votes, a separate vote to eliminate one of them will be held. Voting will continue with the lowest polling candidate being excluded until the number of candidates matches the number of vacancies. Councillors shall vote by a signed ballot. If any member so requires, the Clerk shall record the names of members who voted so as to show whether they voted for, against, or abstained. In the case of an equality of votes, the chairman of the meeting has a second or casting vote.
9. For each vacancy, each Councillor has one vote i.e. two vacancies will enable two votes.
10. After the vote has been conducted, this business is concluded when the chairman of the meeting declares that the successful candidate(s) is (are) duly elected. The successful candidate(s) is (are) then declared co-opted to the Council and summoned to attend the next Council meeting.
11. The Clerk will advise the Monitoring Officer of Westmorland & Furness Council of the names of anyone co-opted to the Council.
12. The Clerk will prepare the Declaration of Acceptance of Office and send it to the successful candidate(s)
13. It is the responsibility of any new member to read and to have understood the Council's Code of Conduct, Standing Orders and Financial Regulations prior to attendance at their first meeting.
14. Before the successful candidate can participate in Council business, they must sign the Declaration of Acceptance of Office and return it to the Clerk.
15. It is recommended that all councillors undertake training. Suggested training is (but not limited to): effective councillor & code of conduct. This enables the new councillor to represent the parish effectively.
16. The written statement and application documents from successful candidates will be retained until they cease to be a Co- opted Member of the Council. The written statement and application documents from unsuccessful candidates will be destroyed when all successful candidates have signed their Declaration of Acceptance of Office.

Approved:

Review:

Declaration Of Eligibility For Co-Opted Parish Councillor

I

Having been elected to the office of Co-opted Parish Councillor of Sedgwick Parish Council declare that I have read the below information and am eligible to fulfil the role of Parish Councillor.

Signed..... **Date**.....

This declaration was made and signed before me

Signed.....

Proper officer of the council.

Details of eligibility can be found at these links;

19. A person is eligible to be co-opted provided they are qualified to be a councillor (see section 79 of the 1972 Act [Local Government Act 1972 \(legislation.gov.uk\)](http://legislation.gov.uk)) and is not disqualified by section 80 of the 1972 Act. [Local Government Act 1972 \(legislation.gov.uk\)](http://legislation.gov.uk) The Electoral Commission has produced guidance for parish councils in England on qualifications for standing for election and disqualifications from standing for election including a candidate guide.

79 Qualifications for election and holding office as member of local authority.

(1)A person shall, unless disqualified by virtue of this Act or any other enactment, be qualified to be elected and to be a member of a local authority **[F1**, or be qualified to be elected and to be an elected mayor,] if he is a British subject or a citizen of the Republic of Ireland **[F2**or a relevant citizen of the Union] and on the relevant day he has attained the age of twenty-one years and—

(a)on that day he is and thereafter he continues to be a local government elector for the area of the authority;
or

(b)he has during the whole of the twelve months preceding that day occupied as owner or tenant any land or other premises in that area; or

(c)his principal or only place of work during that twelve months has been in that area; or

(d)he has during the whole of those twelve months resided in that area; or

(e)in the case of a member of a parish or community council he has during the whole of those twelve months resided either in the parish or community or within three miles of it.

(2)In this section “relevant day”, in relation to any candidate, means—

(a)except in the case of an election not preceded by the nomination of candidates, the day on which he is nominated as a candidate and also, if there is a poll, the day of election; and

(b)in the said excepted case, the day of election.

[F3(2A)]In this section the expression “citizen of the Union” shall be construed in accordance with Article 8.1 of the Treaty establishing the European Community **M1** (as amended by Title II of the Treaty on European Union **M2**), and “relevant citizen of the Union” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland

80 Disqualifications for election and holding office as member of local authority.

(1)Subject to the provisions of section 81 below, a person shall be disqualified for being elected or being a member of a local authority **[F1**, and be disqualified for being elected or being an elected mayor,] if he—

(a)holds any paid office or employment (other than the office of chairman, vice-chairman or deputy chairman **[F2**or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive]) appointments **[F3**or elections] to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a **F4**. . . joint committee **[F5**or National Park authority] on which the authority are represented or by any person holding any such office or employment; or

[F6(b)]is the subject of a bankruptcy restrictions order or interim order;]

F7(c).

(d)has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or

[F8(e)]is disqualified for being a member of the relevant council under Part III of the Representation of the People Act 1983 or for being a charter trustee **[F9**under **[F10**the Audit Commission Act 1998]], and in this paragraph “the relevant council” means the council of the county or district in which is comprised the area for which charter trustees are established by any statutory instrument made under Part II of the Local Government 1992.]

(2)Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of—

(a)a committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority; or

(b)a joint board **[F11**, joint authority] or joint committee on which the authority are represented and any member of which is so appointed;

shall be disqualified for being elected or being a member of that other local authority.

[F12(2AA)A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes—

- (a) one or more persons appointed on the nomination of the Authority acting by the Mayor, and
- (b) one or more members of one or more London borough councils appointed to the committee on the nomination of those councils,

shall be disqualified for being elected or being a member of any of those London borough councils.]

[F13(2A)Subsection (2) above shall have effect as if the reference to a joint board included a reference to a National Park authority.

(2B) For the purposes of this section a local authority shall be treated as represented on a National Park authority if it is entitled to make any appointment of a local authority member of the National Park authority.]

[F14(3)Subsection (1)(a) shall have effect in relation to a teacher in a school maintained by the local authority who does not hold an employment falling within that provision as it has effect in relation to a teacher in such a school who holds such an employment.]

F15(4).

(5) For the purposes of subsection (1) **F16**. . . (d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the **F16**. . . conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the **F16**. . . conviction, **F16**. . .