

Ermington Parish Council

Co-Option Policy

1. Introduction

There are two circumstances under which the Electoral Officer of South Hams District Council will notify Ermington Parish Council that it may proceed to fill a casual vacancy by co-option: -

- a) when a seat has been left vacant because no eligible candidate stood for election for a new election.
- b) during the life of a Council when a seat has fallen vacant (because of a resignation, death or ineligibility).

The Parish Clerk will immediately notify the Electoral Officer and the vacancy will be advertised. If the required TEN electors of the parish have not called for a poll within the legally specified time period following publication of the Notice of Vacancy, the Parish Clerk will be notified by SHDC and the vacancy can be filled by co-option.

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. However, it is not desirable that electors in the parish be left partially or fully unrepresented for a significant length of time, and any unfilled vacancies will continue to be advertised.

Although the process for co-option is not prescribed in Law, County & District Councils and Local Council Associations provide best practice advice and guidelines. It is especially important that all applicants be treated alike so that the arrangements are seen as open, fair and transparent.

Whenever the need for co-option arises, Ermington Parish Council will seek and encourage applications from anyone in the Parish who is eligible to stand as a Parish Councillor. Councillors or parishioners can legally approach individuals to suggest that they might wish to consider putting their names forward for co-option.

The Parish Council will advertise the vacancies in the local area via the Parish Council noticeboards, the Parish Council website, the Parish Magazine and email or newsletter.

The co-option procedure will be reviewed annually, or earlier if required.

2. Co-Option Procedure

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

On receipt of written confirmation from the Electoral Services Office, that the casual vacancy can be filled by means of Co-option, the Parish Clerk will advertise the vacancy on the parish notice boards and the Parish Council website. The length of time the advert will be advertised for will vary depending on the date of the next Parish Council meeting. Where possible co-option will take place at the next Parish Council meeting after advertising.

The advertisement to co-opt will include:

- a) the method by which applications can be made
- b) the closing date for all applications
- c) a contact point to obtain more information
- d) details of further information that is available electronically via the website, to include application forms, nomination forms and information about the roles and responsibilities of the Council.
- e) Encouragement to attend a parish council meeting before applying for the position.

Existing Members may point out the vacancies and the process to any qualifying candidate(s).

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

Eligibility of the candidate(s) will be confirmed by the Clerk.

Applicants for co-option will be asked to:

- a) complete the Co-option application form & obtain nomination & seconding by existing Ermington Parish Councillor's.
- b) confirm their eligibility for the position of Councillor within the statutory rules, by completing an Eligibility Form

All eligible candidates will be invited, by email or letter, to attend the next full Parish Council meeting following the application deadline. If candidates are unable to attend, this meeting will not be rearranged. The co-option will still take place and voting on this vacancy will be subsequently based on this meeting and the candidate application form.

All members will receive copies of candidate applications, along with the summons to attend the next full Parish Council meeting following the application deadline. Candidate names will be displayed on the agenda of the meeting at which the co-option voting will occur. No other details apart from the candidates' names will be displayed. Candidate applications are strictly confidential.

Applicants will be invited to attend the Parish Council meeting where the co-option will be considered. An agenda item will be set aside for candidates to make a brief verbal presentation to members, outlining their relevant skills and experience. Each candidate in turn (alphabetically, by surname) to speak for a maximum of five minutes and may be asked questions by Councillors. During each presentation other candidates will be asked to leave the meeting. The public are welcome to listen to these presentations and questions. Any discussion about the applications will take place in council session without intervention from the candidates or public.

If one or more candidates is unable, for bona fide reasons, to attend the meeting, Members will proceed straight to the vote without any candidate being allowed to address the Councillors. The decision as to whether to accept the candidate's reasons for not attending the meeting shall be made by the Chairperson and that decision is final.

The Chairperson will then request those Councillors present to nominate any or all of the candidates for co-option. As co-opting any person to the Parish Council has to occur by resolution, candidates will require a proposer and seconder to progress to the voting stage.

A successful candidate must have received an absolute majority vote by those Councillors present (eg If 9 Councillors are present then an absolute majority would be 5 or more votes). 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, then the candidate with the least number of votes will be discounted and the remainder must then be put to the vote again; this process must, if necessary, be repeated until an absolute majority is obtained. In the case of an equality of votes in the final round of voting, the Chairperson has the casting vote.

If there is more than one vacancy and the number of candidates equals the number of vacancies, all the vacancies may be filled by a single composite resolution, but if the number of candidates exceeds the number of vacancies each vacancy must be filled by a separate vote or series of votes.

If there are the same or fewer number of candidates as there are vacancies then each candidate will require a proposer and seconder and will need to receive a majority vote. If no absolute majority is achieved then the candidate will not be elected.

Voting will be by show of hands. Candidates may stay in the room for the vote.

After the vote has been concluded, the Chairperson will declare any successful candidates duly elected. The successful candidates will join the council meeting as a Councillor after signing the Declaration of Acceptance of Office of Parish Councillor form.

The Council is not obliged to fill all vacancies but will continue to advertise for further co-options to fill any remaining vacancies.

- Successfully co-opted candidates become Councillors in their own right, with immediate effect, and are no different to any other member.
- The co-opted members will be asked to sign a Declaration of Acceptance of Office to agree to be bound by the Local Government Code of Conduct. They may then take their seat at Council.

- Any application can be considered in the candidate(s) absence, but if successful, members would need to agree for him/her to sign the Declaration of Office either before or at the next meeting.
- The clerk will notify Electoral Services of the new Councillor appointment and advise the new Councillor that he/she should complete their Register of Interests within twenty-eight days of being appointed.
- As soon as practicable following their co-option, members will be invited to attend an Induction and Training session with the Parish Clerk.

ERMINGTON PARISH COUNCIL

Co-option Application Form

Name:

Address for Correspondence:

.....

.....

Postcode:

Telephone:

Email:.....

Are you 18 or over? YES/NO

Please detail any experience you have that may be relevant to Ermington Parish Council. (If necessary, please continue on a separate sheet of paper).

.....

.....

.....

.....

.....

Is there any other information you would like to disclose regarding your application?
(If necessary, please continue on a separate sheet of paper).

.....

.....

.....

.....

.....

Signed:Dated:

Nominated by: Cllr.....

Seconded by: Cllr.....

Please return your completed form, together with the Co-option Eligibility Form to:

Mrs Teresa Drew
Clerk, Ermington Parish Council
Orchard Barn
Higher Keaton
Ermington
Ivybridge
PL21 0LB

ERMINGTON PARISH COUNCIL

Co-option Eligibility Form

- In order to be eligible for co-option as a Ermington Parish Councillor you must be a British subject, or a citizen of the Commonwealth or the European Union; and on the 'relevant date' (i.e. the day on which you are nominated or if there is a poll the day of the election) 18 years of age or over; and additionally, able to meet one of the following qualifications set out below:
 - I am registered as a local government elector for the parish; or
 - I have, during the whole of the twelve months preceding the date of my co-option, occupied as owner or tenant, land or other premises in the parish; or
 - My principal or only place of work during those twelve months has been in the parish; or
 - I have during the whole of twelve months resided in the parish or within 3 miles of it.

Please circle which of the above applies to you.

- 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 Chairperson) or of a joint committee on which the Council is represented;

or

- b) is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors (but see below); 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.

This disqualification for bankruptcy ceases in the following circumstances: -

i) if the bankruptcy is annulled on the grounds that either the person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;

ii) if the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part;

iii) if the person is discharged without such a certificate.

In (i) and (ii) above, the disqualification ceases on the date of the annulment and discharge respectively. In (iii), it ceases on the expiry of five years from the date of discharge.

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

Signed: Dated.....

Date adopted: 1 October 2024

Ermington Parish Council Minute Reference = 071/2024

Reviewed annually in April