



WOODCHURCH PARISH COUNCIL

COUNCILLOR CO-OPTION POLICY

Adopted by Woodchurch Parish Council on:	August 2023
Review frequency:	Annual
Next review date:	May 2024
Councillor(s) responsible	

COUNCILLOR CO-OPTION POLICY

INTRODUCTION

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Woodchurch Parish Council. The co-option procedure is entirely managed by the Parish Council, and this policy will ensure that a fair and equitable process is carried out.

CO-OPTION

The co-option of a parish councillor occurs in two instances:

1. When an ordinary vacancy has arisen on the Parish Council after the ordinary elections held every four years;
2. When a casual vacancy has arisen on the Parish Council and no poll (by-election) has been called.

Ordinary vacancy

An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the Parish Council at the ordinary elections held every four years. Any candidates who were nominated are automatically elected to the Parish Council and any remaining vacancies are known as “ordinary vacancies”. Provided there are enough parish councillors to constitute a quorum, the Parish Council may be able to co-opt a volunteer to fill the vacancies.

Casual vacancy

A casual vacancy occurs when:

- A councillor fails to make his declaration of acceptance of office at the proper time; or a councillor resigns;
- A councillor dies;
- A councillor becomes disqualified;
- A councillor fails for six (6) months to attend meetings of a council committee or sub-committee or to attend as a representative of the council a meeting of an outside body.

The Parish Council has to notify the Borough Council of a casual vacancy and then advertise the vacancy and give electors for the ward the opportunity to request an election. This occurs when ten electors write to the Borough Council stating that an election is requested.

If a by-election is called, a polling station will be set up by Ashford Borough Council and the people of the ward 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 will pay the costs of the election. The people of the ward have fourteen days.

If more than one candidate is then nominated a by-election takes place but if only one (1) candidate is put forward they are duly elected without a ballot.

If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advised by the Electoral Services Office, the Parish Council is able to request eligible candidates to present themselves at a specified meeting of the Council where the decision of who to co-opt will be taken.

CONFIRMATION OF CO-OPTION

On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, the casual vacancy can be filled by means of co-option. The Clerk will:

- Advertise the vacancy on the Parish Council website and Woodchurch Hub
- Advise Ashford Borough Council that the co-option policy has been instigated

This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office has confirmed that there were insufficient nominations to fill all the seats but there are sufficient parish councillors elected to constitute a quorum.

ELIGIBILITY OF CANDIDATES

The Parish Council is able to consider any person to fill a vacancy provided that:

- he/she is over 18 and
- is a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union ; (needs checking to establish current position following Brexit etc)
- he/she is an elector for the Parish and continues to be an elector; or
- has resided in the Parish for the past twelve months or rented/tenanted land in the Parish; or
- has had his/her principal or only place of work in the Parish for the past twelve months; or
- has lived within three miles of the Parish for the past twelve months.

There are certain disqualifications for being a parish councillor, (see s80 of the Local Government Act 1972):

- holding a paid office or being employed by the Parish Council;
- 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 preceding five years; or
- being disqualified under due to any act relating to corrupt or illegal electoral practices.

APPLICATIONS

Candidates will be requested to:

- Attend at least two Parish Council meeting within the past two years as observers;
- Submit information about themselves, by way of completing a short application form (a copy of the application form is attached as Appendix A);
- Confirm their eligibility for the position of parish councillor within the statutory rules, (a copy of the eligibility form is attached as Appendix B).

Following receipt of applications, the next suitable Parish Council meeting will have an agenda item to receive written applications for the office of Parish Councillor and to co-opt a candidate to fill the existing vacancy(ies). Eligible candidates will be invited to attend the meeting.

Copies of the eligible candidates' applications will be circulated to all parish councillors by the Clerk at least 3 clear days prior to the meeting of the full Parish Council, when the co-option will be considered.

All such documents will be treated by the Clerk and all parish councillors as strictly private and confidential.

AT THE CO-OPTION MEETING

At the co-option meeting, candidates will be given five minutes to introduce themselves to the parish councillors, give information on their background and experience and explain why they wish to become a member of the Parish Council. Councillors will be permitted to ask questions. The process will be carried out in the public session and there will be no private discussions between councillors prior to a vote being taken however councillors will be given the opportunity to ask questions of the candidates. The candidates will be asked to leave before the voting takes place. A vote will then take place with each councillor making their choice. Councillors will have the same number of votes as there are vacancies in each round of voting. Voting will continue until the number of candidates equals the number of vacancies, (the candidate with the lowest score in each round being eliminated). The Council has the option to take a paper ballot if agreed at the meeting. In order for a candidate to be co-opted to the Parish Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). Voting will be in accordance with standing orders.

The clerk will

- contact the successful candidate (s) and arrange for them to sign the Declaration of Acceptance of Office either before or at the next meeting of the Parish Council.
- write to unsuccessful candidates thanking them for their interest in becoming a Parish Councillor
- notify Ashford Borough Council Electoral Services Office of the co option of the new parish councillor.

The co opted parish councillor will complete a Notification of Disclosable Pecuniary and Other Interests form which the Clerk will lodge with the Monitoring Officer at Ashford Borough Council within 28 days of the co option.

If insufficient candidates are co opted, the process should continue, whereby the vacancies are again advertised.

APPENDIX A

WOODCHURCH PARISH COUNCIL CO-OPTION APPLICATION FORM

Name:

Address:

Telephone Number:

Email Address:

Are you 18 or over? Yes / No

Have you attended at least two Parish Council meeting within the past two years as observers? Yes / No. Please give dates.

Please detail any experience you may have that is relevant to Woodchurch Parish Council (if necessary continue onto a separate sheet)

Use of Personal Information

The Parish Council will use your information, including that which you provide on this application form, to assess your suitability to be a parish councillor. It will be treated confidentially within the Parish Council, retained in accordance with GDPR requirements and disposed of securely.

Declaration & Consent

I have read the section entitled “Use of Personal Information” and by signing this form I consent to the use and disclosure of my information included in this application form. I declare the information given on this form to be true and correct.

SIGNED..... NAME.....

DATE.....

APPENDIX B

WOODCHURCH PARISH COUNCIL CO-OPTION ELIGIBILITY FORM

1. In order to be eligible for co-option as a Woodchurch Parish Councillor you must satisfy certain criteria. You must satisfy (a) and (b) below and at least one of the options (c) – (f). Please tick which apply to you:
 - a. I am 18 years of age or over; and
 - b. I have attended at least two Parish Council meeting within the past two years as an observer.
 - c. I am a British citizen or a citizen of the Commonwealth.
 - d. I am registered as a local government elector for the parish; or
 - e. 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
 - f. My principal or only place of work during those twelve months has been in the parish; or
 - g. I have during the whole of those twelve months resided in the parish or within 3 miles of it.

2. Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being a parish councillor if he/she:
 - a. Is employed by the parish council or holds paid office (other than chairman, vice-chairman or deputy chairman) under the parish council (including joint boards or committees);
 - b. Is employed by an entity controlled by the parish council;
 - c. Is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or a debt relief restrictions order or an interim debt relief restrictions order; or
 - d. Has within five years before the day of co-option, or since his/her co-option, 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
 - e. Is otherwise disqualified under Part III of the Representation of the People Act 1983 (relating to corrupt or illegal electoral practices and offences relating to donations) or the Audit Commission Act 1998.

Declaration & Consent

I..... hereby confirm that I am eligible for the vacancy of Woodchurch Parish Councillor and I am not disqualified under s80 of the Local Government Act 1972 from being a parish councillor and that the information given on this form is true and correct.

I have read the section entitled “Use of Personal Information” and by signing this form I consent to the use and disclosure of my information included in this form.

Signature..... Name.....

Date.....

Please complete and return these forms to:
The Clerk, Woodchurch Parish Council, Email: clerk@woodchurch-pc.gov.uk