

BREASTON PARISH COUNCIL

CO-OPTION POLICY

Parish Councils are permitted to exercise the power to co-opt a person onto the Council to fill a casual vacancy when the requirements to hold an election have not been met.

If no request for an election is received by Erewash Borough Council by the date on the Notice of Vacancy, they will advise the Parish Council that it may co-opt the vacancy. Co-option is a process by which the Parish Council selects a new Councillor.

This policy sets out the procedure to ensure that a fair and equitable process is carried out and is based on the National Association of Local Councils Advice on Co-option.

Procedure

1. The vacancy is advertised on the Parish Council notice boards, Facebook page and website. It would be helpful to provide the contact details of someone who can advise on the responsibilities and time commitments involved. The Council invites interested candidates to write to the Clerk by a specified date.
2. All Candidates must meet the criteria for eligibility set out in s. 79 of the 1972 Act, to be a member of the council and are not disqualified, pursuant to s.80 of the 1972 Act, to be a member of the council. (See appendix 1)
3. If there is more than 1 candidate, members would have to consider and vote for each applicant. If only 1 candidate applies, the Council must still consider whether or not to co-opt that person. The Council is not obliged to select anyone from the candidates who apply, however it is not desirable to have vacancies for extended periods of time and the Parish Council must continue to advertise the vacancy and fill it as soon as is practicable.
4. All Members of the Parish Council are invited to the interviews for the vacancy. Candidates will be given a list of questions prior to the interviews and the questions will be read by an agreed list of Councillors at the interview. Interviews will be undertaken separately in the interests of fairness.
5. Members will then consider the candidates and following discussion a vote will be held by a show of hands. Declarations of interest must be made by Parish Councillors as each candidate is considered, (e.g.: family ties, friendships, business relationships etc). This does not prevent Councillors from voting. Following the completion of the voting the candidates will be informed of the result of the vote. (See Appendix 2 for voting rules)

6. At the next Parish Council meeting the Declaration of Office must be signed before he/she can take office or within 28 calendar days of election whichever is the sooner.
7. Councillors elected by co-option are full members of the Parish Council.
8. The clerk will inform the Monitoring Officer and Elections Officer the details of the successful candidate. The successful candidate will receive a Councillors welcome pack which includes a copy of the Standing Orders, Financial Regulations, Parish Council Policies, a copy of the Good Councillors Guide, the latest Parish Council Newsletter and Financial Reports and any useful information such as a list of all the members' names, addresses and telephone numbers.

Appendix 1

Eligibility

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

- he/she is 18 or over; and
- he/she is a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union; and at least one of the following apply:
- 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, of which the main are (see s80 of the Local Government Act 1972):

- holding a paid office or employment under 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 any enactment relating to corrupt or illegal electoral practices.

Appendix 2

Voting

Voting will be by a show of hands,

If there are more candidates than vacancies, Arnold Baker's "Local Council Administration" recommends that:

- A successful candidate should have received an absolute majority vote of those present and voting. So, if there are more than two candidates for one vacancy and none of them at the first count has an overall majority, the candidate with the fewest votes should be eliminated and the remainder put to the vote again. The process should be repeated as necessary until one candidate has an overall majority.
- Each vacancy should be filled by a separate vote or series of votes.
- The Chair has the casting vote.