

Stalmine-with-Staynall Parish Council Co-option Policy and Application Form

1. Introduction

- a. Stalmine-with-Staynall Parish Council is permitted to exercise a power to co-opt a person on to the council to fill a casual vacancy when the requirements to hold an election have not been met (i.e. the vacancy has been the subject of a public notice and fewer than 10 registered electors have requested an election by a deadline specified by the Returning Officer).
- b. It is of paramount importance that all applicants are treated equally and arrangements are seen to be open, fair and transparent. Whenever the need for co-option arises, the council will seek and encourage applications from anyone who is eligible to stand as a Parish Councillor.
- c. Any candidate(s) found to be offering inducements or applying any kind of undue pressure will be disqualified.
- d. It is not desirable for electors of the parish of Stalmine-with-Staynall to be left partially or wholly unrepresented for a significant length of time; however, this must not be used as an excuse to co-opt. The council is required to co-opt as soon as practicable ('as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case' – Law insider dictionary).
- e. The process for co-option to vacancies of local councils is not prescribed in law. (NALC's legal briefing LTN-08 provides guidance. However, Schedule 12 para 39 of LGA 1972 prescribes the means by which any decision can be made by the council).

2. Co-Option (Stage 1)

- a. The co-option of a parish councillor occurs when a casual vacancy has arisen on the council and no by-election has been called. A casual vacancy occurs when:
 - A councillor fails to make his declaration of acceptance of office at the proper time
 - A councillor resigns
 - A councillor dies
 - A councillor becomes disqualified
 - A councillor fails for six (6) consecutive months to attend meetings of the council, or to attend as a representative of the council at a meeting of an outside body
- b. The Parish Council must notify Wyre Borough Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten or more electors write to Wyre Borough Council stating that an election is requested.
- c. If ten or more residents do not request a by-election within fourteen working days of the vacancy being posted, as advised by Wyre Borough Council, Stalmine-with-Staynall Parish Council is able to co-opt a councillor.
- d. On receipt of written confirmation from Wyre Borough Council Electoral Services the vacancy can be filled by co-option. The Clerk will:
 - a. Advertise the vacancy on the Council notice boards, website and Facebook
 - b. Advise the council that the co-option policy has been instigated
 - c. Place in the Over Wyre Magazine (Green Book), when possible.

3. Co-Option (Stage 2)

- a. Insufficiency of candidates at an ordinary election also provides the Parish Council with authority to exercise its rights to co-opt any person or persons to fill any vacancies within 35 days following the date of said ordinary election.
- b. Stalmine-with-Staynall Parish Council is not obliged to fill any vacancy. Even if the Parish Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.
- c. However, it is not desirable that electors in a particular Parish be left partially or full underrepresented for a significant length of time. Neither does it contribute to effective and efficient working of the Parish Council if there are insufficient councillors to share the workload; equitably; to provide a broad cross-section of skills and interests; or the achieve meeting quorums without difficulty.
- d. Councillors elected by co-option are full members of Stalmine-with-Staynall Parish Council.

4. Eligibility of Candidates

- a. The Parish Council can consider any person to fill a vacancy provided that the applicant:
 - 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 parish
- b. Expressions of interest rather than proper applications will not be considered, unless in circumstances where the Council as corporate body is under threat of disbandment. For example, mass resignation of council members. In this event the Clerk will seek advise from the District Council.
- c. There are certain disqualifications for election, of which the main are (Local Government Act 1972)
 - Holding 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
- d. Eligibility of the candidate(s) will be confirmed by the Clerk.
- e. All eligible candidates shall be invited by letter, email or phone call to attend the next suitable and available full council meeting. This may not be the next full council meeting, however if the candidates are unable to attend, this meeting will not be rearranged.

5. Application Form (can be found on a separate file on website under 'Documents tab – Co-Option tab').

- a. To assist candidates Appendix A provides a guide to those criteria that the Parish Council would expect from parish councillors. This list is not exhaustive but provides candidates with some guidance on areas they may wish to include in their application forms.
- b. Candidates will be requested to:
 - Confirm their eligibility for the position of Councillor within the statutory rules (a copy of the Eligibility Form is attached at Appendix B)
 - Submit information about themselves by way of completing a short application form (a copy of the application form is attached at Appendix C)

- c. Candidates will be encouraged to contact the Clerk for further information about the Parish Council, its current priorities and working arrangements, prior to submitting an application.
- d. Following receipt of applications, the next suitable council meeting will have an agenda item 'To Co-opt a Parish Councillor to fill a casual vacancy'.
- e. Copies of the candidate's application will be circulated to all Councillors by the Clerk at least 3 clear days prior to the meeting of the full council when the co-option will be considered. Consent will be requested from applicants to share the data provided by them with the Clerk and all Councillors. All such data/documents will be treated by as strictly private and confidential.
- f. Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of Stalmine-with-Staynall Parish Council. Candidates will also be informed that they will be invited to speak in support of their application at the meeting.

6. At the Co-Option Meeting

- a. The agenda item 'To Co-opt a Parish Councillor to fill a casual vacancy', will be placed after items 'Apologies for Absence' and 'Declaration of Interests and Dispensations'.
- b. At the meeting councillors will be given the opportunity to conduct the interview/s in closed session. If the council resolves it is happy to conduct the interviews in public it will continue, if not the session will be closed to the press and public, until the Chair reconvenes the meeting.
- c. Applicants will be invited to the meeting to introduce themselves and speak in support of their application. Councillors will have the opportunity to ask questions and seek, through the Chair, clarification on submissions within the application form. The press and public will be asked to leave the meeting, in order for the applications to be considered. After due consideration the Chairman will reconvene the meeting and it will be reopened to the public and press and voting takes place.

Voting

- d. Only councillors present at the meeting may vote on a person to fill the vacancy. Councillors will have one vote per vacancy to be filled. This vote should be used to vote in favour of or against the applicant. A councillor not wishing to cast a vote should withdraw from the meeting.
- e. If a candidate is a relative of a councillor or has connections with any candidate that may be perceived as prejudicial, that councillor should declare an interest and withdraw from the meeting. Under any of these circumstances a vote by the councillor concerned is not permitted.
- f. Members shall vote by show of hands or, if a majority of members request, by signed ballot. A successful candidate must have received an absolute majority vote of those present and voting.
- g. If there are exactly as many as, or fewer candidates than vacancies, the council may vote on a composite motion, duly proposed and seconded, that all candidates be co-opted.
- h. If there are more candidates than vacancies, Arnold Baker's "Local Council Administration" recommends that:

- Where more than two persons have been nominated for a position to be filled by the council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken.
- This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting.
- Where the council is considering the co-option of a councillor to fill a vacancy under s.89 of the Local Government Act 1972, it shall be under no obligation to accept any candidate.
- After the vote, any applicants that are not present at the meeting will be notified of the results by the clerk (usually within 24 hours).

7. Newly Co-opted Councillors

- After the vote has been concluded the Chairman declares that the successful candidate is duly elected. The successful candidate is then declared co-opted to the Council and invited to sit at the meeting. They will be summoned to attend all future council meetings. Successfully co-opted applicants become councillors in their own right and are no different from any other member. As such, they must: read out loud and sign the Declaration of Acceptance of Office form at their first meeting, complete the Declaration of Interests forms online within 28 calendar days of co-option and confirm that they will comply with and abide by the Parish Council’s Councils Code of Conduct.
- The successful candidate’s term of office runs until the next four-yearly elections, where as such should they wish to be re-elected at the time of elections they must require and complete the relevant forms provided by the District Council.
- The clerk will notify Wyre Council electoral services of the new councillor(s), and pass on their contact details to update their systems. You will also be given a Parish Council email address, to only be used specifically to your role as a councillor.

Document Control			
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