

CRESSAGE, HARLEY AND SHEINTON

PARISH COUNCIL

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COUNCILLOR CO-OPTION POLICY

1. Introduction

This policy sets out procedure for co-option of councillors to ensure there is compliance with legislation and guidance and continuity of procedures in the co-option of members to Cressage, Harley and Sheinton Parish Council (CHSPC).

2. Co-option

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; or
- A councillor fails for six (6) consecutive months to attend meetings of a council committee or subcommittee or to attend as a representative of the Council a meeting of an outside body.

CHSPC has to notify Shropshire Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. The people of the parish have fourteen days from the publication of the vacancy notice (not including the day of the notice, weekends, bank holidays and other notable days), to claim the by-election but the electoral officer will advise the clerk of the closing date. A by-election will occur when ten electors write to Shropshire Council stating that an election is requested. The electors have to be from the parish where the vacancy has occurred. As the parish council, comprises three grouped parishes (Cressage, Harley and Sheinton), all electors requesting a by-election have to be from the parish for which the seat is vacant e.g. if the vacant seat is in Harley, all ten electors must be from Harley, not Cressage or Sheinton. If more than one vacancy occurs, requests for an election have to be made by at least ten electors for each individual vacancy to trigger a by-election.

If a by-election is called, Shropshire Council will manage the election and the people of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. CHSPC will pay the costs of the election. If more than one candidate is then nominated a by-election takes place but if only one candidate is put forward they are duly elected without a ballot.

If following expiry of the notice of vacancy, ten electors do not request a ballot, Shropshire Council will notify CHSPC that it may fill the vacancy by co-opting a volunteer who is eligible to be a councillor.

3. Confirmation of Co-option

On receipt, of written confirmation, from the Electoral Services Office, the casual vacancy can be filled by means of Co-option, the Parish Clerk will:

- Advertise the vacancy on the Council notice boards and website

CHSPC is not obliged 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 be left partially or full underrepresented for a significant length of time. Neither does it contribute to effective and efficient working of the 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.

Councillors elected by co-option are full members of CHSPC.

4. Eligibility of Candidates

CHSPC is able to consider any person to fill a vacancy provided that:

- He/she is an elector for the parish; or
- has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
- had his/her principal place of work in the parish; or
- has lived within three miles of the parish.

Cressage, Harley and Sheinton PC is a grouped parish council comprised of 3 parishes (4 seats for Cressage, 2 seats for Harley and 1 seat for Sheinton). References to parish therefore means the parish of the seat you are applying for i.e. if a Cressage seat Cressage, not Harley/Sheinton; if a Harley seat, not Cressage & Sheinton; if a Sheinton seat, not Cressage & Harley

There are certain disqualifications for election, of which the main are (see 5. 80 of the Local Government Act 1972):

- holding a paid office 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 practices.

Candidates found to be offering inducements of any kind will be disqualified.

5. Applications

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

Although there is no Statutory Requirement to do so, candidates will be requested to:

- Submit information about themselves, by way of completing a short application form (Appendix A)
- Confirm their eligibility for the position of Councillor within the statutory rules (Appendix B).

Following receipt of applications, the next suitable council meeting will have an agenda item to consider applications received for co-option.

Copies of the candidates' applications 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. All such documents will be treated by the Clerk and all Councillors as Strictly Private and Confidential.

Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment. Candidates will also be informed that they will be invited to speak about their application at the meeting.

6. At the Co-option Meeting

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to Members, give information on their background and experience and explain why they wish to become a Member of CHSPC. The process will be carried out by adjourning the meeting to allow the candidate to speak. Where the Council wishes to discuss the merits of candidates and inevitably their personal attributes, this could be prejudicial and the Council will resolve to exclude the members of the press and public. If feels it is necessary, the Council may decide to arrange a separate session to interview candidates to discuss their application(s) with them in more detail. As soon as all candidates have finished giving their

submissions, the council will proceed to a vote on the acceptability of each candidate, with each candidate being proposed and seconded by the councillors in attendance and a vote by a show of hands.

In order for a candidate to be elected to CHSPC, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two candidates and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the case of an equality of votes, the Chairman of the meeting has a second casting vote.

After the votes has been concluded, the Chairman will declare the successful candidate duly elected and after signing their declaration of acceptance of office, may take their seat immediately.

The Clerk will notify Electoral Services of the new Councillor appointment. The successful candidate(s) must complete the 'registration of interests' within 28 days of being elected. The form should be handed to the Clerk for forwarding to the Monitoring Officer.

If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised.

APPENDIX A

Application for Co-option

Thank you for your interest in becoming a Parish Councillor. Please provide the below information to assist the council in making their decision.

Full Name & Title	
Home Address	
Home Telephone	
Mobile Telephone	
Email Address	
Which Parish are you applying for?	Cressage / Harley / Sheinton (please circle only one)

About You

Please provide the council with some background information about yourself.

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Reasons for applying

Please provide the council with your reasons for wanting to become a Parish Councillor.

Signature
Date

Please return your completed application to the Clerk to the council. Your application will be considered at the next available Parish Council meeting, where a vote will be held to decide whether the council agrees to co-opt you in to Cressage, Harley and Sheinton Parish Council.

Information provided on this form will be processed in accordance with the Council's adopted Privacy Policy which can be viewed on the council's website – www.cressageharleysheinton.co.uk

APPENDIX B

Co-option Eligibility Form

1. In order to be eligible for co-option as a 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. Please tick which applies to you:

References to parish means the parish of the seat you are applying for i.e. if a Cressage seat Cressage, not Harley/Sheinton; if a Harley seat, not Cressage & Sheinton; if a Sheinton seat, not Cressage & Harley

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| a) I am registered as a local government elector for the parish; or | | |
| b) 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 | | |
| c) My principal or only place of work during those twelve months has been in the parish;
or | | |
| d) I have during the whole of 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 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 Chairman) 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.

DECLARATION

I.....hereby confirm that I am eligible for the vacancy of Parish Councillor, and the information given on this form is true and accurate record.

Signature.....

Date.....