

## **PUNCKNOWLE AND SWYRE PARISH COUNCIL**

### **CO-OPTION POLICY**

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Puncknowle and Swyre Parish Council.

#### **Casual Vacancy:**

According to section 87 of the 1972 Act, a casual vacancy occurs when:

- a councillor fails to deliver his declaration of acceptance of office at the proper time.
- a councillor dies.
- a councillor resigns.
- a councillor becomes disqualified.
- a councillor fails to attend meetings for six consecutive months.

Dorset Council (Electoral Services) is notified of the vacancy and the Electoral Services Dept publish a Notice of Vacancy. The notice will be displayed for fourteen days during which ten members of the parish can demand an election takes place. If called, the by-election is then organised by Dorset County Council. If an election is not called then the Parish Council will fill the seat by co-option.

#### **Ordinary Vacancy (vacancies after an election):**

If there are not enough candidates to fill the remaining vacancies the Representation of the People Act 1985, section 21 allows the elected members, provided there is a quorum (i.e. one third of the whole numbers of members with a minimum of three) to co-opt members to fill the remaining vacancies.

#### **Eligibility for Co-option**

A person is eligible to be co-opted provided they are qualified to be a councillor (see s.79 of the 1972 Act) and is not disqualified (see s.80 of the 1972)

#### **Co-option Process**

To make the process of co-option open and transparent Puncknowle and Swyre Parish Council will.

- consider advertising the vacancy to seek and encourage 'expressions of interest' by a specified date from anyone in the Parish who is eligible to stand as a Parish Councillor.
- Notices will be put on the website, and the village noticeboards.
- All potential candidates will be requested to provide a concise written statement of why they are interested in joining the Parish Council, what they feel they can bring to/offer the Parish Council, listing any previous Community/Council work, their skills and experience. (Appendix A)
- All potential candidates to declare or certify in writing that they meet the criteria for eligibility set out in s.79 of the 1972 Act and are not disqualified under s.80 of the 1972 Act (Appendix B)
- The Parish Council will consider the candidates for co-option to fill any vacancy at a Parish Council 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 Parish Council.
- All such documents will be treated by the Clerk and all parish councillors as strictly private and confidential.
- If they wish, each candidate may make a short statement to the Council.
- The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken. However, where the Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Council should resolve to exclude the members of the press and public.
- 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.

*Voting:*

- This must take place in a public meeting.
- Only Councillors present at the meeting may vote; Each councillor must vote. No councillor may abstain.
- If a member is not at the meeting the legislation does not provide for a proxy or postal vote.
- Even if there are fewer candidates than vacancies, each candidate must receive an absolute majority vote of those members present at the meeting; no majority means no co-option. There is no “co-opted uncontested” provision within the law.
- If there are more candidates than vacancies, the candidate with the least number of votes should be taken off the list of candidates, and if there are still more candidates than vacancies, the vote is taken again. This procedure should be repeated until the number of candidates equals the number of vacancies and each candidate has a majority vote.
- The Chairman may only use his casting vote if two successive voting rounds are stalemated.

**Declaration of Acceptance of Office:**

Those co-opted must sign a declaration of acceptance of office before they join any meeting of the council as a member (If the successful candidate is present at the meeting where the co-option is agreed they will sign the Declaration of Acceptance of Office and be able to participate in the meeting.)

**Term of Office:**

A person elected or co-opted to fill a casual vacancy holds office until the person in whose place they are elected or appointed would regularly have retired.

**Notification of Co-option:**

The Clerk will notify Electoral Services at Dorset Council of the new member appointment and request the new member completes a Registration of Interests form within 28 days of being co-opted.

References	NALC LTN 8   Elections and Co-option – June 2020 Local Government Act 1972 Representation of the People Act 1985
Version 1	Adopted at Full Council Meeting dated 5 October 2021



**APPENDIX B**

**PUNCKNOWLE AND SWYRE PARISH COUNCIL CO-OPTION ELIGIBILITY FORM**

In order to be eligible or co-option as a Puncknowle and Swyre Parish Councillor you must be:

- 18 years of age or over
- A UK or Commonwealth citizen or be a citizen of another member state of the EU

And either

- Be an elector of the parish or;
- For the whole of the previous 12 months have occupied (as owner or tenant) land or other premises in the parish or;
- During the previous 12 months have worked in the parish (as your principal or only place of work) or;
- For the whole of the previous 12 months lived in the parish or within three miles of the parish boundary.

You are disqualified from being a Parish Councillor if:

- You are employed by the Parish Council or hold paid office (other than chairman, vice-chairman, or deputy chairman) under the Parish Council (including joint boards or committees)
- You are employed by an entity controlled by the Parish Council.
- You are 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
- You have within five years before the day of co-option or since your 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
- You are otherwise disqualified under Part III of the Representation of the People Act 1983 (relating to corrupt or illegal electoral practised and offense relating to donations) or the Audit Commission Act 1998.

**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.

**Declaration and Consent**

I ..... hereby confirm that I am eligible for the vacancy of Puncknowle and Swyre 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.

Name: ..... Signature: .....

Date: .....