



Co-Option of New Councillors

Version number:	2	Author:	Margaret Gould, Clerk
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1. Purpose

To be a councillor in England, you must be over 18 and a qualifying citizen of the Commonwealth, the European Community or the Republic of Ireland. You are a volunteer and will be held accountable by local people for things that happen locally. The diversity of local councils is their strength. Each can make a unique response to the needs of their community with a sensitivity that is more difficult for principal authorities to achieve.

Source: The Good Councillor's Guide, 4th Edition, 2013

Speen Parish Council (SPC) is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. SPC recognises the benefit of diversity and, whenever a vacancy arises on the Council, welcomes enquiries from all those interested in becoming Councillors on an equal basis.

Councillors are commonly brought onto the Council through a process of election in which several prospective Councillors compete in an election process for the position. However, if no request for an election is received by SPC, or outside of an election year or if insufficient members are elected at an ordinary election, then as long as the Council is quorate, SPC may co-opt to fill the vacancy. (Paragraph 12 of Part II of Schedule 12 to the Local Government Act provides that three or one third of the total number of Parish Councillors, whichever is greater, is necessary for a meeting to have a quorum.)

2. Definition of co-option:

The council chooses someone to fill a vacancy if insufficient candidates are proposed for seats at an election. An ordinary election occurs every four years but there may be an election when a seat falls vacant at other times. In addition, if a vacancy occurs between elections (for example, by the resignation of a councillor), the council must generally find out if the electors want an election before they can co-opt. It is better for democracy if councillors are elected rather than relying on co-option, so they can be confident that the council is the community's choice of representatives.

Source: The Good Councillor's Guide, 4th Edition, 2013

3. Scope

This Policy sets out the procedure for co-option onto SPC for prospective Councillors.

The Parish Council manages the process of co-option and strives to demonstrate that it is fair and equitable by following the procedure set out below.



4. Procedure

Notice of Vacancy:

- 4.1 When a vacancy on the Council exists, it should be advertised publicly on the website and on noticeboards in the Parish.
- 4.2 The parish clerk will publish the notice of vacancy as soon as practicable and ensure that it is displayed for the requisite time (i.e. a minimum 14 working day period, which excludes Saturdays, Sundays and bank/Public Holidays).
- 4.3 The Parish clerk should use the Notice of Vacancy form for this purpose. The completed notice should be copied and then displayed on the parish notice boards. The parish clerk should make a note of the date that the notice is first displayed (as this date is relevant for elections/appointments).
- 4.4 If on or before the date 14 working days from the date that the notice is displayed, SPC receives a notice, signed by 10 electors stating that they wish there to be an election, there must be an election. A precedent notice requesting an election is available from the parish clerk.
- 4.5 Should notice be given by 10 electors claiming an election to fill the vacancy/ies all arrangements for a by-election will be made by the Returning Officer of West Berkshire Council and the matter is taken out of the hands of the parish council.
- 4.6 If no notice requesting an election is received, as soon as practicable after the end of the 14 working day period, the Parish Council must fill the vacancy by co-option and the following procedure is followed for prospective councillors.
- 4.7 This means that the parish council must, at its next monthly meeting, consider the co-option to the council.
- 4.8 If they do not fill the vacant seat at the next meeting, it should remain a matter of business until the seat has been filled through their chosen co-option process.

Prospective councillors:

- 4.9 It is advisable for prospective Councillors to attend a Council meeting as a member of the public in order to experience and observe the work of the Council at first hand. The Clerk will invite prospective Councillors to attend the council meeting following their initial enquiry.
- 4.10 Qualification required to become a councillor:

- Aged 18 or over

And must be at least one of the following:

- A UK or Commonwealth citizen
- Citizen of the Republic of Ireland
- Citizen of another member state of the European Union

The candidate must also meet at least one of the following four qualifications on the day they are nominated:

- they are an elector of the parish (i.e. on the electoral roll of Speen Parish)
- during the whole of the last 12 months they have occupied, either as owner or tenant, land or other premises in the parish.



- their principal or only place of work is in the parish
- they live within 4.8 kilometres (3 miles) of the parish boundary

Whilst prospective councillors do not need to live in the Parish (see qualifications above), though those who do live locally are likely to have a deeper understanding of and affiliation with the area.

4.11 Disqualification from becoming a councillor:

Certain people are disqualified from being elected to a parish or town council. A person cannot be a candidate if at the time of their nomination or their election:

- they are employed by the parish or town council or hold a paid office under that council (including employment by any joint boards or committees of the council)
- they are the subject of a bankruptcy restrictions order or interim order in England or Wales
- they have been sentenced to a term of imprisonment of three months or more (including a suspended sentence) without the option of a fine, during the five years before election day
- they have been disqualified under Part II I of the RPA 1983 (which relates to donations and other offences) or under the Audit Commission Act 1998

A person may also be disqualified from election if they have been convicted or reported guilty of a corrupt or illegal practice by an election court, or if they have been disqualified from standing for election to a local authority following a decision of the Adjudication Panel for England or Wales.

The full range of disqualifications for candidates at local elections is complex, and some exceptions may also apply. Candidates are strongly advised to consult the relevant legislation to ensure that none of the relevant disqualifications apply, and if in doubt, to seek their own legal advice.

4.12 Interested candidate(s) are invited after this initial contact to write to the Clerk by email or letter by a specified date with further information about themselves, their background, their reasons for wishing to join the council *etc.* They will also be asked to complete a Nomination form to confirm their legitimacy to become a councillor. This form covers the necessary qualifications for a person holding office as a Parish Councillor.

4.13 Information provided by candidates will be included in the meeting pack for a monthly meeting soon after, ideally the next meeting.

One candidate for one vacant position:

4.14 In the event of only one prospective candidate, the Finance & General Purposes Working Party (F&GP WP) will then consider this letter and invite the prospective Councillor(s) to meet with them and provide the necessary evidences of suitability, as in the Nomination Form. The F&GP WP will then report to the next full Council meeting for final voting on the co-option. If only one nomination is received (or, in the case of multiple vacancies, if only sufficient nominations to fill the vacancies are received), the person nominated will be elected unopposed.

More than one candidate for one vacancy:

4.15 Should there be more than one candidate for one vacancy, then instead of meeting only the F&GP WP, the prospective councillors will be invited to speak at a full Council meeting. Each candidate will be limited to three minutes to present their case.



- 4.16 Voting on prospective candidates: This will be done during the closed confidential session and public and press will be excluded. The meeting must have a quorum in order for the voting process to be legitimate.
- 4.17 The Chairman will order candidates alphabetically and proceed with the vote. The preferred candidate must have a proposer and a seconder in order to progress to the next stage of voting. If only one vacancy exists, then each councillor may only propose or second one candidate. One candidate should hold the majority vote.
- 4.18 SPC will follow Standing Orders for the voting process by a show of hands. Voting will continue until one candidate has a majority vote.
- 4.19 Should no single candidate receive a majority on the first vote, the candidate with the lowest number of votes is eliminated. Voting will then take place for the remaining candidates until one person receives an absolute majority.
- 4.20 Once one candidate has a majority vote, that candidate will be co-opted onto the Council.
- 4.21 The Clerk will confirm the Council's decision in writing to the candidates.
- 4.22 The successful candidate will receive an induction pack from the Clerk in sufficient time for the new Councillor to prepare for their first council meeting. As a minimum, this will include, but is not limited to:
 - Declaration of Acceptance of Office
 - Notification of Interests form
 - SPC Code of Practice
 - Electronic copy of the most recent Good Councillors Guide
 - Relevant SPC policies
 - Contact details & Emergency contact form
- 4.23 The new councillor is on equal standing with councillors elected through a formal election process and is in no way disadvantaged by the manner of their election. Co-option is a legitimate form of the Parish Council election process. Further information and specific enquiries on the role of a Parish Councillor may be obtained through the Clerk.

4. Useful sources:

- The Good Councillor's Guide, 4th Edition, 2013
- NALC
- Local Government Ombudsman for England www.lgo.org.uk 0300 061 0614
- SLCC www.slcc.co.uk

5: Authorisation of Policy on behalf of Full Council:

The undersigned approves this policy on behalf of Speen Parish Council.

Signature:

Name (print):

Date: ____/____/____

Position: