

LAPWORTH PARISH COUNCIL

CO-OPTION POLICY

This policy sets out the co-option procedure used by Lapworth Parish Council to ensure there is compliance with legislation and continuity of procedures in the co-option of members to the Council. The co-option procedure is entirely managed by the Council; this policy ensures that a fair and equitable process is carried out. Councillors elected to the Council by co-option are no different to any other member; co-option is a legitimate form of election as part of the election process

The co-option of a Councillor occurs in two instances:

1. When an **ordinary vacancy** has arisen on the Council after the ordinary elections held every four years **OR**
2. When a **casual vacancy** has arisen on the Council and no poll (by-election) has been called.

Ordinary vacancy

An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the Council at the Local elections held every four years. Any candidates who were nominated are automatically elected to the Council and any remaining vacancies are known as "ordinary vacancies". Provided there are enough Councillors to constitute a quorum, the Council is usually able to co-opt a volunteer to fill the vacancies. In some cases, Warwick District Council may intervene and make an appointment or order an election to fill the vacancies.

Casual vacancy

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 to submit acceptable apologies for six calendar months for meetings of the Council or committee or sub-committee or to attend as a representative of the council a meeting of an outside body.

CO-OPTION PROCEDURE

The Council must notify the District Council of a casual vacancy and then advertise the vacancy and give electors for the ward the opportunity to request an election. This occurs when ten (10) electors write to the Borough Council stating that an election is requested.

If a by-election is called, a polling station will be set up by Warwick District Council 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. The Council will pay the costs of the election. The people of the Parish have fourteen days (not including weekends, bank holidays and other notable days) to claim the by-election; the Electoral Services Office of Warwick District Council will advise the Clerk of the closing date.

If more than one candidate is then nominated then a by-election takes place; if only one candidate is put forward they are duly elected without a ballot.

If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advised by the Electoral Services Office, the Council is able to co-opt a volunteer.

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CONFIRMATION OF CO-OPTION

If the WDC Electoral Services Officer confirms that no by-election has been claimed then the casual vacancy can be filled by means of co-option.

The Clerk will:

1. Advertise the vacancy for four weeks or such other period as the Council may agree on the Council's notice boards and website
2. Advise Warwick District Council that the co-option policy has been instigated

This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office has confirmed that there were insufficient nominations to fill all the seats but there are sufficient Councillors elected to constitute a quorum.

ELIGIBILITY OF CANDIDATES

The Council may 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 Councillor¹ of which the main are:

- holding a paid office or employment under the Council; or
- bankruptcy; or
- 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; or
- is subject to the notification requirement of or under Part 2 of the Sexual Offences Act 2003 and the ordinary period allowed for making an appeal or application in respect of the order or notification has passed.

APPLICATIONS

Candidates will be requested to:

1. Attend at least one Council meeting as an observer.
2. Submit information about themselves by completing the application form in Appendix A.
3. Confirm their eligibility for the position of Councillor within the statutory rules by completing the Eligibility form in Appendix B.

Following receipt of applications, the next suitable Council meeting will have an agenda item 'To receive written applications for the office of Councillor and to co-opt a candidate to fill the existing vacancy' and eligible candidates will be invited to attend the meeting.

¹ For more details see Local Government Act 1972 s80

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Copies of the eligible 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 application documents will be treated by the Clerk and all Councillors as strictly private and confidential.

AT THE CO-OPTION MEETING

Candidates will be given five minutes maximum to introduce themselves to the Councillors (members), give information on their background and experience and explain why they wish to become a member of 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.

As soon as all candidates have finished giving their submissions, the Council will proceed to a vote with each candidate being proposed and seconded by the Councillors in attendance (as defined in the Standing Orders) and a vote by a show of hands². Councillors can request a recorded vote.

The successful candidate must 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.

If present, a candidate who is co-opted will sign at the co-option meeting a Declaration of Acceptance of Office, including an undertaking to abide by the Council's Code of Conduct. If not present, a co-opted candidate must sign the Declaration of Acceptance of Office either before or at the next meeting of the Council.

The Clerk will notify WDC Electoral Services Office of the co-option of the new Councillor. The new Councillor must complete a Register of Members Interests form which the Clerk will lodge with the Monitoring Officer at Warwick District Council within 28 days of the co-option. If insufficient candidates are co-opted, the process will continue and remaining vacancies will be advertised.

Signed (Chair): Cllr Henderson

Date: 11th April 2023

Date for next review: April 2024

² Local Government Act schedule 12, s13 (1)

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APPENDIX A COUNCILLOR APPLICATION FORM

| | |
|----------------|--|
| Name: | |
| Address: | |
| Telephone: | |
| Email Address: | |
| Date of Birth: | |

| |
|--|
| Please detail any experience you have that may be relevant to Lapworth Parish Council (continue onto a separate sheet if needed) |
| |

Use of Personal Information

The Council will use information you provide on this application form to assess your suitability to be a Councillor.

Declaration & Consent

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 application form.

I declare the information given on this form to be true and correct.

SIGNED..... NAME.....

DATE.....

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APPENDIX B COUNCILLOR ELIGIBILITY FORM

To be eligible to stand as a Councillor you must satisfy certain criteria. You must satisfy **both** (a.) and (b.) below and **at least one** of the options (c.) – (f.)

Please tick all those which apply to you:

- a. I am 18 years of age or over

AND

- b. I am a British citizen or a citizen of the Commonwealth or a citizen of any other member state of the European Union

AND

- c. I am registered as a local government elector for the parish

or

- d. 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

- e. My principal or only place of work during those twelve months has been in the parish

or

- f. I have during the whole of those twelve months resided in the parish or within 3 miles of it

Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being a Councillor if he/she:

- Is employed by the Council or holds paid office (other than chairman, vice- chairman or deputy chairman) under the Council (including joint boards or committees); or
- Is employed by an entity controlled by the Council; or
- Is 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; or
- Has within five years before the day of co-option, or since his/her 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; or
- Is otherwise disqualified under Part III of the Representation of the People Act 1983 (relating to corrupt or illegal electoral practices and offences relating to donations) or the Audit Commission Act 1998; or
- Is subject to the notification requirement of or under Part 2 of the Sexual Offences Act 2003, and the ordinary period allowed for making an appeal or application in respect of the order or notification has passed.

Use of Personal Information

Lapworth Parish Council will use the information provided on this form to assess your eligibility to be a Councillor.

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Declaration & Consent

I..... hereby confirm that I am eligible for the vacancy of Councillor for Lapworth Parish Council, that I am not disqualified from being a 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.

SIGNED..... NAME.....

DATE.....

Please complete and return this form and the Co-option application form to:

The Clerk, Lapworth Parish Council, 19 Brooke Road, Kenilworth CV8 2BD
Email: clerk@lapworthpc.org.uk