

1. Introduction

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Wembury Parish Council (WPC). The Co-option procedure is entirely managed by WPC and this policy will ensure that a fair and equitable process is carried out.

2. Co-option

The Co-option of a Parish Councillor occurs when either:-

- a) One or more vacancies occur after an uncontested election result; or
- b) A casual vacancy has arisen in the Council and no poll (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 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 without their apologies being accepted.

The Clerk of Wembury Parish Council has to notify South Hams District Council (SHDC) of a Casual Vacancy, which is then advertised and giving electors the opportunity to request an election; this process is managed by SHDC as the electoral office. Electors can write to SHDC stating their request that the vacancy is filled by the election process. The parish electorate has fourteen days (not including weekends, bank holidays and other notable days), to submit this request. After the Casual Vacancy period closes the electoral officer will advise the parish clerk if the vacancy can be filled by WPC via co-option or if a by-election is required.

If a by-election is called, by 10 or more parishioner requests, SHDC will initiate the nomination process.

If the number of candidate nominations received by electoral services at SHDC matches or is under the number of vacancies on Wembury Parish Council these candidates are duly elected without a ballot.

If there are more candidates nominated than vacancies to be filled a polling station will be set up by SHDC. The parish electorate will be asked to go to the polls to vote for candidates for whom a nomination paper has been submitted. WPC will be required to pay the costs of the election.

If less than ten parishioners have requested to SHDC that a by-election be held the electoral office will advise that WPC is able to proceed to co-opt a new member/s.

3. Confirmation of Co-option

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

- Advise Wembury Parish Council that the Co-option Policy has been instigated.
- The vacancy will be advertised/promoted on the council notice boards, social media and website.
- WPC is not obliged to fill any vacancy with any of the candidates who should apply, as there must be a proposer and seconder for every application. However, it is not desirable that electors in Wembury be left partially underrepresented for a significant length of time. It does not contribute to the effective and efficient working of the Council if there are insufficient members to share the workload equitably; to provide a broad cross-section of skills and interests; or achieve meeting quorums without difficulty.
- Councillors selected by co-option are full members of Wembury Parish Council.

4. Eligibility of Candidates

Wembury Parish Council is able to consider any person to fill a vacancy provided that:

- They are an elector for the parish; or
- has resided in the parish for the past twelve months or rented/tenanted land/other premises in the parish; or
- has their principal place of work in the parish; or
- has lived within three miles (direct) of the parish.

There are certain disqualifications for election, of which the main are (see section 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 to current councillors of any kind will be disqualified.

Only candidates able to confirm their eligibility by provision of the signed declaration (Appendix B) shall be considered for the position of Councillor.

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 invited to submit information about themselves, by way of completing a short application form (Appendix A) and an eligibility form (Appendix B)

Following receipt of applications, the next suitable council meeting will have an agenda item 'To receive written applications for the office of Parish Councillor and to Co-opt a candidate to fill the existing vacancy'.

Copies of the candidates' applications will be circulated to all members by the Clerk at least three 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, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of WPC. Candidates will also be informed that they may be invited to speak about their application at the meeting.

6. At the Co-option Meeting

At the co-option meeting, with a maximum of five minutes each, candidates are invited to introduce themselves, give information on their background and experience and explain why they wish to become a Member of Wembury Parish Council.

Each candidate must receive a proposal, this must be seconded in accordance with WPC Standing Orders.

Council members will proceed to vote by show of hands and this may be recorded upon request in accordance with WPC Standing Orders.

To assist their decision Members may consider:-

1. Introduction/Personal statement made by each candidate at the Co-option meeting; and
2. Completed Application for Co-option (Appendix A) for each candidate, if submitted.



In order for a candidate to be elected to WPC, following their nomination and that being seconded, it will be necessary for them to obtain an absolute majority of votes cast.

If there are more than two candidates nominated 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 of casting vote; the Clerk must assume the Chairman's vote is counted twice, for the casting vote.

After signing their declaration of acceptance of office, the new Member of Wembury Parish Council 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 sent to the Monitoring Officer and a copy also handed to the Clerk.

If insufficient candidates come forward for co-option, the process will continue until a suitable candidate applies.



APPENDIX A

CO-OPTION CANDIDATE APPLICATION FORM

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

About You

Please provide the council with some relevant background information about yourself.

Reasons for Applying

Please provide some information about why you would like to become a Parish Councillor for Wembury Parish Council.

Signature:

Date:

Please return your completed application to the Clerk. Your application will be considered at the next available Parish Council meeting, where a vote will be held to decide whether the Council agree to co-opt you as a member of Wembury Parish Council.

General Data Protection Regulation: The information provided on this application will remain Private and Confidential and shall only be retained for the period it is relevant to proceedings. For further details please see the privacy policy on our website.

APPENDIX B

CO-OPTION ELIGIBILITY FORM

Wembury Parish Council is duty bound to treat this information as strictly confidential.

CANDIDATE PERSONAL QUALITIES

The following list gives some examples of personal attributes, experiences, skills, knowledge & abilities candidates may have which will assist them in their role to serve the community as well as bring benefits to the working practices of the council.

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

- 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 they:

- 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 a Wembury Parish Councillor, and the information given on this form is true and accurate record.

Signature.....

Date.....