

STAPLEHURST

PARISH COUNCIL

CO - OPTION POLICY

Introduction

1. This policy is based on the guidance in NALC's Legal Briefing L15-08 (Original date of issue: 23 July 2008, reissued 7 May 2015) and the NALC resource 'How do I co-opt a councillor?'
2. It is of paramount importance that the co-option process is open, fair and transparent. This policy sets out the process that Staplehurst Parish Council (SPC) will follow when considering co-option.
3. "Local councils can only be as connected and helpful as the people elected to run them, so we need councillors capable, enthusiastic and engaged to reflect their communities." NALC 2021.
4. Co-option provides an opportunity for councils to address shortfalls and imbalances in their membership. Therefore, whenever the need for co-option arises, SPC will identify these gaps and will recruit specifically to address them. The most important attribute is to care about the community and to be willing to take an active role.
5. Councillors and parishioners can legally approach individuals to suggest that they might wish to consider putting their names forward for co-option and encourage them to apply.
6. SPC 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.
7. It does not contribute to the effective and efficient working of the Parish Council if there are insufficient councillors to share the workload equitably, provide a broad cross-section of skills and interests, or to achieve meeting quorums without difficulty. However, this must not be used as an excuse to co-opt, and the vacancy will remain an agenda item until filled.
8. Councillors elected by co-option are full members of the Parish Council. (Note Co-Opted Parish Councillors they are **not** entitled to the Basic Parish Allowance)

Type of co-option

9. Ordinary; This occurs as a result of insufficient nominations for the seats available at the time of an election. Any such vacancy/vacancies can be advertised within 35 days of the election or the Parish can advertise and consider as a casual co-option.

10. Casual; This occurs during the four year term when a Councillor resigns, dies or becomes disqualified. S87(2) of the Local Government Act 1972 requires a local authority (Parish Council) to give public notice of casual vacancies to ensure transparency and attract more candidates.

Advertising the Vacancy

11. In the event of a vacancy occurring due to resignation, death or ineligibility of a Councillor, the Clerk will immediately inform the Monitoring Officer of Maidstone Borough Council (MBC), and supply them with a copy of the requisite Notice of Vacancy.

12. Should the requisite 10 electors of the Parish not have called for a by-election within the legally specified time (currently 14 working days), SPC may fill the vacancy by advertising the co-option. The criteria for candidates are in line with s.79 of the Local Government Act 1972.

The legal requirements to be a Parish Councillor are

- Are you a British citizen, an eligible Commonwealth citizen or a citizen of a European Union country?
- Are you 18 or over?

The criteria to be considered a Parish Councillor are;

- (a) I am registered as a local government elector for the area of the parish named above
- (b) I have, during the whole of the preceding 12 months occupied as owner or tenant land or other premises in the parish named above
- (c) my principal or only place of work during the preceding 12 months has been in the parish named above
- (d) I have during the whole of the preceding 12 months resided in the parish named above or within 4.8 kilometres of it. (MBC advise as the crow fly's from the closest edge of the parish boundary named above to the candidates property)

13. On receipt of written notification from the Monitoring Officer at MBC that a casual vacancy can be filled by means of co-option. The Clerk will place the legal notice announcing that the vacancy(is) can be filled by co-option on the Parish Council's Noticeboard and promote on posters, local social media and local community groups will also be asked to advertise the vacant role.

14. The notice will include:

- a. the date by which application forms should be returned by (at least four weeks after the notice is first displayed)
- b. contact details for further information

- c. details of how to submit application forms
- d. Date of Council meeting when applications forms will be considered

Applications

- 15. All candidates will be asked to complete the application form – **appendix A.**
- 16. Candidates for co-option are required to certify in writing that they meet the criteria for eligibility, as set out in s.79 of the 1972 Act, to be a member of the council and are not disqualified, pursuant to s.80 of the 1972 Act, to be a member of the Council.
- 17. Eligible candidates applications will be circulated to all Parish Councillors at least 3 clear days prior to the meeting of the Full Council where the co-option is to be considered. All such documents will be treated by the Clerk and Councillors as strictly private and confidential.
- 18. The Clerk will ensure that all candidates are fully aware of the interview process and the Council meeting.

Co-option meeting

- 19. At the Council meeting considering the co-option, the Chairman will adjourn the meeting at the start for the co-option interviews. Candidates will be asked to wait outside and each applicant will be interviewed separately.
- 20. If a candidate is a relative of a Councillor or has connections to a Councillor which may be perceived as prejudicial, that Councillor should declare an interest and withdraw from the co-option process.
- 21. Each candidate will have up to 3 minutes to put forward their case, background / experience and explain why they wish to become a Member of the Parish Council.
- 22. Interview questions will be agreed in advance of the meeting, although Members will be able to ask further questions to seek clarification on answers during the interview. Council. The Council will interview all eligible candidates before deciding who to co-opt.
- 23. Once each candidate has been interviewed, the Chairman shall reconvene the meeting.
- 24. The Council will discuss the merits of each applicant. The Council will then proceed to vote on each candidate with a show of hands, unless it has been agreed in advance that specific circumstances warrant a written ballot.
- 25. In order for a candidate to be co-opted to SPC, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting).
- 26. If there are more than two candidates for a vacancy 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 casting vote.

27. If the Council has decided that none of the candidates are suitable, the Council does not have to appoint them and will continue to advertise the vacancy.

28. After the decision has been made, the Clerk will advise the candidates of the result and invite the successful candidate(s) to sign their declaration of acceptance of office and take their seat immediately. It is traditional that the new Parish Councillor abstains from voting as they may not be fully aware of all the facts on an item as they will not have received the Councillors agenda pack..

29. Any candidates that are not present at the meeting will be notified of the results by the Clerk as soon as is reasonably possible (usually within 24 hours). After Co-option

Administration

30. The Clerk will provide successful candidates with a Declaration of Interests form, which **must be completed and returned to the Parish Council office to be submitted to MBC's Monitoring Officer within 28 days.**

31. The Clerk will arrange an initial induction meeting within a week of co-option at which point new Councillors will receive

- a. schedule of council meeting dates
- b. standing orders
- c. financial regulations
- d. code of conduct
- e. contact details for the Clerk and other councillors
- f. budget and assets register for the Council
- g. minutes from recent meetings
- h. other relevant documentation
- j. appropriate IT equipment, set up for the Councillor, in line with SPC policy and practice

32. The Clerk will identify and deliver an appropriate programme of induction for each new councillor.

This policy supersedes any previous Casual Vacancy / Co-Option Policy and was approved by Staplehurst.

Parish Council on5th August 2024.....Minute.....2264/6.2.....