

CO-OPTION POLICY

ADOPTED: 10th October 2022 MIN REF: 244/2022**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 Legbourne Parish Council (LPC).

2. Co-option

The co-option of a Parish Councillor occurs when a casual vacancy has arisen on the Council and no poll (by-election) has been called by electors. 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 (6) 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.

LPC has to notify the District Council of a casual vacancy, advertise the vacancy and give electors the opportunity to request an election – this occurs when ten electors write to the District Council stating that an election is required. If a by-election is called, a polling station will be set up by the 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. LPC must 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 but the electoral officer will advise the Clerk of the closing day. If more than one candidate is nominated a by-election takes place but if there is only one candidate that candidate is considered duly elected without a ballot.

If no by-election is requested by residents within the fourteen-day period of advertising the vacancy on the Council noticeboard and website, the District Council will inform LPC that it may co-opt a volunteer into the vacancy.

3. Confirmation of Co-option

Upon the Clerk receiving notification from East Lindsey District Council that the casual vacancy may be filled by co-option, she will:

- Advertise the vacancy for four weeks on the Council noticeboard and website
- Advise LPC that the Co-option Policy has been instigated.

LPC is not obliged to fill any vacancy even following the invitation to apply for co-option, but it will endeavour to do so. Councillors elected by co-option are full members of the Council.

4. Eligibility Criteria

To apply for co-option the applicant must meet the following criteria:

- They have registered as a local government elector for the Parish on the current Electoral Register
- Has during the whole of the previous 12-months occupied as tenant or owner of any land or other premises in the Parish
- Their principal or only place of work in the previous 12 months has been in the Parish
- Has resided either in the Parish or within 3 miles thereof during the whole of the previous 12 months There are certain disqualifications for election, the main ones being (5.80 of the Local Government Act 1972):
- Holding a paid office under the local authority
- Bankruptcy
- Being disqualified under any enactment relating to corrupt or illegal practices.

5. Applications

Members may point out the vacancies and the process to any qualifying candidate(s) There is no statutory requirement to do so, but candidates will be requested to:

- Submit brief written information about themselves, confirming their eligibility criteria & reason for requesting co-option

Following receipt of applications, the next suitable Council meeting will have an agenda item *'To receive the written applications & resolve to co-opt a candidate to fill the vacancy'*.

Copies of the applications will be circulated to Councillors prior to the meeting – under the Council's Data Protection Policy, all such documents will be treated by the Clerk & Council as Strictly Private & Confidential. Candidates will be forwarded an agenda of the meeting, preferably by email, & advised that they will be invited to speak at the meeting about their application.

6. Co-option Meeting

Candidates will be given a maximum of 3 minutes to introduce themselves, give brief information on their background & why they wish to become a Member of the Council. The Council will then consider in closed session at the end of the meeting the candidates' merits in order not to reveal personal attributes of candidates which could be considered prejudicial & are subject to Data Protection.

Voting - the candidate with an absolute majority of votes cast will be elected; where there is more than one candidate per vacancy and no candidate with an overall majority, the candidate with the least number of votes will be removed from 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 equality of votes, the Chairman of the meeting has a second casting vote. Votes will be recorded by the Clerk.

Voting will be by the raising of hands & the successful candidate will be contacted by the Clerk & advised of their co-option; the Declaration of Acceptance of Office will be signed at the next meeting when the elected candidate will take the seat at Council. Following any co-option onto the Council, the Clerk will provide them with Standing Orders, Financial Regulations & the Code of Conduct. The Disclosable Pecuniary Interests form (Localism Act 2011 – Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) must be signed & returned to the Clerk for forwarding to the Electoral Officer at East Lindsey District Council within 28 days & a redacted copy of the form placed on the Council's web site. The Clerk will also immediately notify Electoral Services of the co-option of a Councillor. If insufficient candidates come forward for co-option, the process will continue whereby the vacancy is again advertised.