

## **Bloxham Parish Council Co-option Policy**

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

### **Co-option**

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

1. when an ordinary vacancy has arisen on the Parish Council after the ordinary election held every four years; and
2. when a casual vacancy has arisen on the Parish 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 Parish Council at the ordinary elections held every four years. Any candidates who were nominated are automatically elected to the Parish Council and any remaining vacancies are known as 'ordinary vacancies'. Provided there are enough Parish Councillors to constitute a quorum, the Parish Council is usually able to co-opt a volunteer to fill the vacancies. In some cases, Cherwell District Council may intervene and make an appointment or order an election to fill the vacancies to ensure a quorum exists.

### **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; or
- a Councillor fails to attend a meeting of the Parish Council or Committee for six months, without submitting their apologies.

The Parish Council has to notify Cherwell District Council of a casual vacancy and then advertise the vacancy and give electors for the Parish, the opportunity to request an election. This occurs when ten electors write to Cherwell District Council stating that an election is requested.

If a by-election is called, a polling station will be set up by Cherwell District Council and the people of the Parish will be asked to go to the polls to vote for the candidates who have submitted their nomination papers. The Parish Council has to cover the cost of the election.

Electors have fourteen days (not including weekends, bank holidays and other notable dates) to claim the by-elections. However the Electoral Services officer at Cherwell District Council will advise the Clerk of the closing date.

If more than one candidate is nominated, a by-election takes place, however, if only one candidate is nominated, they are duly elected without an election.

If ten electors of the Parish do not request an election with the fourteen days of the vacancy notice being posted, the Parish Council is able to co-opt to the vacancy.

### **Confirmation of Co-option**

On receipt of written confirmation from the Electoral Services Officer at Cherwell District Council, that no by-election has been called, the casual vacancy can be filled by mean of co-option. The Clerk will advertise the vacancy for a minimum of four weeks or such other period as the Parish Council using the Parish Council's agreed procedure to advertise and promote participation as a Councillor.

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

### **Eligibility of Candidates**

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

- he/she is 18 years or over; and
- he/she is a British Citizen, a qualifying Commonwealth citizen or a citizen of any other member of the state of the European Union;

and at least one of the following apply;

- he/she is an elector of the Parish and continues to be an elector; or
- he/she has resided in the Parish for the past twelve months or rented/tenanted land in the Parish; or
- he/she has had his/her principal r only place of work in the Parish for the past twelve months; or
- he/shes has lived within three miles of the Parish for the past twelve months.

The disqualifications for becoming a Parish Councillor and these are:

- holding a paid office of employment under the Parish Council;
- bankruptcy;
- having been sentenced to a term of imprisonment (whether suspended or not) of not less than three month, without the option of a fine during the preceding five years; or
- being disqualified under any enactment relating to corrupt or illegal electoral practices.

## **Applications**

Candidates will be requested to:

- attend at least one Parish Council meeting as an observer;
- review the Parish Council's web site and key documents, such as the Bloxham Neighbourhood Development Plan;
- submit information about themselves and what they can contribute to Bloxham and the Parish Council, by way of completing a short application form (a copy of the application form is attached as Appendix A). Refer to the National Association of Local Councils (NALC) information, following this link <https://www.nalc.gov.uk/elections>
- confirm their eligibility for the position of Parish Councillor within the statutory rules (a copy of the form is attached as Appendix B).

Following receipt of applications, the next suitable Parish 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'. Eligible candidates will be invited to attend the meeting.

Copies of the eligible candidates' applications will be circulated to all Parish Councillors by the Clerk at least 3 clear days prior to the meeting of the Parish Council, when the co-option will be considered.

All such documents will be treated by the Clerk and all Parish Councillors as strictly private and confidential.

### **At the Co-Option Meeting**

At the co-option meeting, candidates will each be given five minutes maximum to introduce themselves to the Parish Councillors (members); give information on their background and experience; and explain why they wish to become a member of the Parish Council. At this point, Councillors may also ask questions of information based on the presentation and application form. The Councillors considering the applications may take into account any skills gaps or other gaps in its make-up that it would particularly like to address.

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.

As soon as all candidates have finished giving their submissions, the Parish 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 hands (LGA 1972 Sch. 12. Para 13). A secret ballot can be used if this is requested.

In order for a candidate to be co-opted to the Parish Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting).

If there are more candidates than vacancies 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.

After the meeting, the Clerk will contact the successful candidate and ask them to sign their Declaration of Acceptance of Office, including an undertaking to abide by the Parish Council's Code of Conduct, and may take office thereafter. If practical, the Clerk will pass the relevant forms to the candidates after the meeting and discuss the induction process.

The Clerk will notify Cherwell District Council Electoral Services Office of the co-option of the new Parish Councillor. The co-opted Parish Councillor will complete a Notification of Disclosable Pecuniary and Other Interests form which the Clerk will lodge with the Monitoring Officer at Cherwell District Council within 28 days of the co-option.

If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.



**Use of Personal Information**

The Parish Council will use your information, including that which you provide on this application form, to assess your suitability to be a Parish Councillor.

**Declaration and 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

## Appendix B

### Bloxham Parish Council Co-option Eligibility Form

<b>1.</b>	<b>In order to be eligible for co-option as a Bloxham Parish Councillor you must satisfy certain criteria. You must satisfy (a) and (b) below and at least one of the options (c) – (f). Please tick which apply to you:</b>	
a.	I am 18 years of age or over;	
b.	I am a British citizen or a citizen of the Commonwealth or a citizen of any other member state of the European Union;	
c.	I am registered as a local government elector for the parish;	
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;	
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.	
<b>2.</b>	<b>Please note that under Section 80 of the Local Government Act 1972 a person is disqualified from being a Parish Councillor if he/she:</b>	
a.	Is employed by the Parish Council or holds paid office (other than Chairman or Vice-Chairman) under the Parish Council (including joint boards or committees);	
b.	Is employed by an entity controlled by the Parish Council;	
c.	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	
d.	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	
e.	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.	
<p><b>Use of Personal Information</b> The Parish Council will use the information provided on this form to assess your eligibility to be a Parish Councillor.</p>		

**Declaration & Consent**

I hereby confirm that I am eligible for the vacancy of Bloxham Parish Councillor and I am not disqualified under s.80 of the Local Government Act 1972 from being a Parish 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