SHALDON PARISH COUNCIL

CO-OPTION POLICY

ADOPTED 27 June 2023
REVIEWED MAY 2025
NEXT REVIEW May 2026

Introduction

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of Councillors to Shaldon Parish Council (SPC). The co-option procedure is entirely managed by the SPC and this policy will ensure that a fair and transparent process is carried out. SPC has 7 Councillors who typically serve a full four-year term

What is Co-Option

The co-option of a Parish Councillor can occur at:

- **Ordinary Election**

  A seat has been left vacant because no eligible candidate or insufficient candidates stood for election at the full elections, which happen every four years. Provided that those elected constitute at least a quorum (one third of the total number of Councillors, which for SPC is three). In this instance the Parish Clerk will be notified of vacancies by Teignbridge District Council and advised that efforts must be made to fill the vacancies by co-option. SPC will be notified and they must give public notice of the vacancies and intention to co-opt.

  The time period to complete a co-option in these circumstances is 35 days (not including weekends, public holidays and other notable days), from the election date. After 35 days, Teignbridge District Council will advise SPC whether there will be a further election or to take other appropriate action to fill the vacancies. If SPC is not quorate following an election, Teignbridge District Council has powers to do anything necessary to constitute SPC, including the temporary appointment of Councillors pending a further election.

- **Casual Vacancy**
  During the four-year term of Council a casual vacancy arises when:

  - a Councillor fails to make their declaration of acceptance of office at the proper time
  - a Councillor resigns
  - a Councillor dies
  - a Councillor becomes disqualified
  - a Councillor fails for six months to attend meetings of the Council including Committees or Sub-committees of which they are a member or as a representative of the Council at a meeting unless they have a ‘statutory excuse’ (broadly speaking, military service during war or an emergency) or the failure to attend is due to a reason approved by the Council.

The Parish Clerk will notify Teignbridge District Council that a seat has fallen vacant. (However, if the vacancy is within the six months period prior to an election, then the Parish Council may choose whether to fill the vacancy or not).

The Notice of a Vacancy would be advertised which would give the electorate the opportunity to call for a poll (by-election). If a by-election is called within 14 days (not including weekends, public holidays and other notable days), if only one candidate is nominated they will be duly elected unopposed without a ballot. If there are two or more candidates nominated then an election will take place. SPC will pay the costs of the election.

If the required ten electors of the parish do not claim a poll (by-election) within the legally specified time period (currently 14 days) following publication of the Notice of Vacancy, the Parish Clerk will be notified by Teignbridge District Council that the vacancy can be filled by co-option. The Parish Council will be notified and it must give public notice of the vacancy and intention to co-opt.

Confirmation of Co-option

On receipt, of written confirmation, from the District Council, the casual vacancy can be filled by means of co-option and the Parish Clerk will:

- Advise the Parish Council that the co-option process has been instigated.
- Advertise the vacancy for 14 days on the Parish Council notice board and website.
- Promote the vacancy on social media platforms and any other relevant media and publications.
- If the vacancy is as a result of the death of a Councillor, no advertisement will be posted until after the funeral The Parish Council will ensure an open and transparent co-option process and engage as fully as possible to attract a diverse range of potential candidates.
- The process for standing for co-option will be accessible and have due regard to equality and diversity.
- If the Parish Council is not satisfied that the vacancy has been adequately advertised and a sufficient diversity of candidates has not been sought, it will postpone the co-option until this is addressed.
- Councillors elected by co-option are full members of SPC.

Eligibility of Candidates

SPC is able to consider any person to fill a vacancy provided that (see section 79 of the Local Government Act 1972)

- be at least 18 years old
- be a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union, and
- meet at least one of the following four qualifications:
    - You are, and will continue to be, registered as a local government elector for the parish/community in which you wish to stand from the day of your application onwards.
    - You have occupied as owner or tenant any land or other premises in the parish/community area during the whole of the 12 months before the day of your application.

    - Your main or only place of work during the 12 months prior to the day of your application has been in the parish/community area.
- You have lived in the parish/community area or within three miles of it during the whole of the 12 months before the day of your application.

There are certain disqualifications for being a councillor, of which the main are (see section 80 of the Local Government Act 1972):

- Holding a paid office within the Parish Council or other 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 of any kind will be disqualified.

Application Process

All potential candidates will be requested to put their request for consideration in writing with the following information:

- Confirm their eligibility (as set out in the Local Government Act 1972 section 79)
- Confirm that they do not meet any of the criteria to be disqualified from being a Councillor (as set out in the Local Government Act 1972 section 80)
- Reason for wishing to become Councillor
- Previous community and/or Council work
- Other skills and experience that may be relevant in support of their application

Candidates will be informed it is a condition of a being a Parish Councillor that a means of contact by email will be public information and that being a Parish Councillor entails having contact details in the public domain. However for the purpose of co-option, private email addresses and other personal data will not be in the public domain, except for their name and the supporting information above.

Following receipt of applications, the next suitable Full 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 Casual Vacancy'.

Applications must be received at least seven days prior to a Full Council meeting as copies of the candidates' applications will be circulated to all Councillors by the Parish Clerk, at least five 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 Parish 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 the Parish Council, and this Co-option Policy. Candidates will also be informed that they will be invited to speak about their application at the meeting, should they wish to do so.

Co-option Meeting (Full Council Meeting)

At the Full Council meeting, candidates will be given five minutes maximum to introduce themselves to Councillors, give information on their background and experience and explain why they wish to become a Shaldon Parish Councillor. Councillors will also have the opportunity to put questions to the candidates. All discussions will be in public, but the Council reserves the right to give the opportunity for candidates to give their presentation to the Council without the other candidates present, to offer fairness and equal opportunity to all candidates.

The Parish Council will proceed to a vote on the acceptability of each candidate by the Parish Councillors in attendance by a vote by a show of hands. In order for a candidate to be elected 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 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.

In the case of an equality of votes, the Chairperson of the meeting, has a second casting vote. Once the Chairperson has declared the successful candidate(s) duly elected and after their declaration of acceptance of office has been signed, they may take their seat immediately. The decision of Full Council is final.

The Parish Clerk will notify Teignbridge District Council of the new Councillor appointment.

The successful candidate(s) must complete the 'register of interests' within 28 days of being elected. The form should be submitted to the Monitoring Officer at Teignbridge District Council. Further details will be provided to the successful candidate(s).

If insufficient candidates come forward for co-option, the vacancies will be re-advertised.

Adopted by Council: 27 June 2023
Reviewed: May 2025
Review Date: May 2026