

TALATON PARISH COUNCIL

CO-OPTION PROCEDURE

COUNCILLOR(S) VACANCIES

There are two types of vacancies:

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.

The process of giving ten electors the opportunity to call a by-election is only relevant for casual vacancies, not ordinary vacancies.

Ordinary

This occurs as a result of insufficient nominations for the seats available at the time of election. Any such vacancy/vacancies should be advertised within 35 days of the election.

In these circumstances a person can be co-opted to fill a vacancy/vacancies at the discretion of the local authority (Parish Council).

The nomination qualifications required of an applicant for either an ordinary or casual vacancy are the same in accordance with S79 of the Local Government Act 1972.

The Co-option Process for Ordinary and Casual Vacancies

(For casual vacancies this process will apply when a by-election has been advertised but not claimed)

There are no statutory arrangements in place to co-opt to fill a vacancy and therefore Talaton Parish Council (‘the Council’) has elected to adopt the following process in order to be fully transparent.

Where an ordinary vacancy/vacancies occur the following will apply:

(1) The vacancy/vacancies notice will be advertised as follows:

(i) On the Council notice board.

(ii) On the Council website.

(iii) On the Council Facebook page (when set up)

(2) The notice will have a closing date of 35 days for receiving applications.

(3) If no applications are received the notice will be advertised again with a new 35 days closing date.

(4) This will continue until such time as an application/applications are received.

(5) The Co-option Eligibility requirements as set out below shall apply

In order to be eligible for co-option as a Talaton 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:

- *I am registered as a local government elector for the parish; or*

- *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*
- *My principal or only place of work during those twelve months has been in the parish; or*
- *I have during the whole of twelve months resided in the parish or within 3 miles of it.*

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 he/she:

a) holds any paid office or employment of the local council (other than the office of Chair) 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.

(6) Each applicant will be required to complete an application form to include the reasons for interest in being a Councillor and what attributes they have to offer for the benefit of the community.

(7) The Parish Council Clerk (`the Clerk`) will circulate details of the application/applications to all Councillors prior to the next Parish Council meeting.

(8) There will be a separate item on the Council meeting Agenda to deal with the

application/applications.

(9) Each applicant will be invited to attend the Council meeting to present themselves to the Council and to allow the Councillors present to ask them questions in the open meeting.

(10) If an applicant does not present themselves to the Council meeting and they cannot provide a valid reason for not attending then they will not be considered for the vacancy/vacancies.

(11) A vote will take place in the Council meeting in accordance with the adopted voting protocol (Standing Order 8 applies)

Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting`.

(12) No proxy votes are allowed.

(13) The Chair will declare the result.

(14) The result will be recorded in the Minutes of the Parish Council meeting.

(15) The Clerk will notify all Councillors of the voting count and the result of the selection process as soon as possible afterwards.

(16) No feedback will be given to any applicant in respect of the Council discussions that took place in the closed part of the meeting unless agreed by the Council.

(17) The successful applicant/applicants will be provided with the following:

(i) A copy of the Council's Standing Orders.

(ii) A copy of the Council's Financial Regulations.

(iii) A copy of the Council's Code of Conduct.

(iv) A copy of the map showing the Parish boundary.

(v) A copy of the set of the Good Councillors Guide.

(18) The successful applicant/applicants will comply with the following:

(i) To sign a Declaration of Acceptance of office form.

(ii) To complete a Declaration of Interest form and submit to the Monitoring Office at East Devon District Council within 28 days.

(iii) To use a Council email address.

(19) The successful applicant/applicants will be encouraged to attend a New Councillor's training course.

(20) If for any reason an applicant/applicants are not selected then the vacancy/vacancies will be re-advertised in accordance with this procedure.