



# **CO-OPTION POLICY**

*As adopted at a meeting of Meppershall Parish Council on 10<sup>th</sup> May 2021*

## CONTENTS

DOCUMENT CONTROL.....	3
DOCUMENT AMENDMENT HISTORY .....	3
1. INTRODUCTION.....	4
2. CO-OPTION PROCESS .....	4
3. ELIGIBILITY CRITERIA.....	5
4. APPLICATION PROCESS .....	5
5. NEWLY CO-OPTED COUNCILLORS.....	7

## DOCUMENT CONTROL

<b>Organisation</b>	Meppershall Parish Council
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## DOCUMENT AMENDMENT HISTORY

<b>Revision No.</b>	<b>Originator of change</b>	<b>Date of change</b>	<b>Change Description</b>
v1.0	Clerk	10/05/21	Policy creation

## 1. INTRODUCTION

- 1.1. Meppershall Parish Council is permitted to exercise a power to co-opt a person on to the Council to fill a casual vacancy when the requirements to hold an election have not been met. (I.e. the vacancy has been subject of a public notice and less than 10 registered electors have requested an election by a deadline specified by the District Returning Officer.)
- 1.2. It is of paramount importance that all applicants are treated alike so that arrangements are seen to be open, fair and transparent. This policy sets out the process to be followed by Meppershall Parish Council (MPC) when co-option is under consideration.
- 1.3. Although the process for co-option to vacancies of local councils is not prescribed in law, NALC's Legal Briefing L15-08 (Original date of issue: 23 July 2008 Re- issued: 7 May 2015) provides guidance.
- 1.4. Whenever the need for co-option arises, MPC will seek and encourage applications from anyone who is eligible to stand as a Parish Councillor (see section 3). Councillors and parishioners can legally approach individuals to suggest they might wish to consider putting their names forward for co-option and encourage them to register their expression of interest.
- 1.5. MPC is not obliged to co-opt 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.
- 1.6. Any candidate(s) found to be offering inducements or any kind of undue pressure will be disqualified.
- 1.7. However, it is not desirable that electors of the Parish be left partially or unrepresented for a significant length of time; neither does it 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, given that some absence is unavoidable at times. However, this must not be used as an excuse to co-opt and the vacancy will remain an agenda item until filled.
- 1.8. Councillors elected by co-option are full members of the Parish Council.

## 2. CO-OPTION PROCESS

- 2.1. In the event of a vacancy occurring due to the resignation, death or ineligibility of a Councillor, the Clerk will immediately inform the Monitoring Officer at Central Bedfordshire Council (CBC) who will supply them with a copy of the requisite Notice of Vacancy for posting.
- 2.2. Should the requisite 10 electors of the Parish have not called for a poll (by-election) within the legally specified time period (currently 14 days) following the publication of the Notice of Vacancy, the Parish Clerk is notified by CBC that the vacancy(ies) may be filled by co-option. The Parish Council may then proceed to co-opt.

2.3. On receipt of written notification from the Monitoring Officer at CBC that a casual vacancy can be filled by means of co-option, the Clerk will place a notice announcing that the vacancy(ies) can be filled by co-option and invite expressions of interest. The notice will be placed on the Noticeboards and on the Parish Councils website, Local Social Media websites and will include:

- A contact point so that people considering putting their names forward for co-option can obtain more information on the role of a parish councillor;
- Link to the Expression of Interest Co-Option Form.

### 3. ELIGIBILITY CRITERIA

3.1. Candidates for co-option must meet one of the following qualification criteria :

- 3.1.1. A Local Government Elector for the Civil Parish of Meppershall
- 3.1.2. During the while of the last 12 months have resided in the Civil Parish of Meppershall, or within 3 miles (4.8 kilometres) of it
- 3.1.3. During the whole of the last 12 months have occupied as owner or tenant land or premises in the Civil Parish of Meppershall
- 3.1.4. During the whole of the last 12 months had their principal place of work within the Civil Parish of Meppershall

3.2. Candidates for co-option are disqualified from holding office if any of the following apply (see Section 80 of the Local Government Act 1972):

- 3.2.1. Hold now, or have in the past 12 months held, any paid office or any other position of profit with Meppershall Parish Council?
- 3.2.2. Been surcharged by the District Auditor for £500 or more?
- 3.2.3. Been disqualified by a Court from holding Public Office?
- 3.2.4. Been declared bankrupt?
- 3.2.5. Been convicted of any offence where the sentence of imprisonment was more than 3 months (even if the sentence was suspended)?
- 3.2.6. Been found guilty of corrupt or illegal practices under Election Laws?

### 4. APPLICATION PROCESS

4.1. When expressions of interest are received, the Clerk will offer the applicant an opportunity to have an informal conversation with the Chair of the Council as an opportunity to inform themselves about MPC's work and current priorities (not part of the selection process) and provide all applicants with the Parish Council's Expression of Interest in Co-Option Form (Appendix A), a copy of the NALC guidance note on *Being a Parish Councillor* and the MPC member's *Code of Conduct*. The form is also available to download from the Parish Councils website.

- 4.2. The Clerk will then confirm that each candidate is qualified to become a Councillor and is not disqualified from being a Councillor as set out in the Local Government Act 1972, Sections 79 and 80 (as amended).
- 4.3. All candidates are asked to complete the Expression of Interest in Co-Option Form and redacted copies will be circulated to all Parish Councillors with the agenda packs prior to a full meeting of the 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.
- 4.4. Co-option Candidates will be informed of the date of the meeting at which the Parish Council will make its decision based on the application form submitted. Notice of the Intention to consider Co-option will be included on the agenda as a separate item at a Parish Council meeting.
- 4.5. Candidates will be invited to the meeting to introduce themselves and speak in support of their application. It will also provide Councillors with the opportunity to seek, through the Chair, clarification on submissions within the application form that they are not sure of, or the Council may decide to rely on the written submissions alone.
- 4.6. Only Councillors present at the meeting may vote upon a person to fill the vacancy. Councillors will have one vote per vacancy to be filled.
- 4.7. If a candidate is a relative of a Councillor or has connections with any candidate which may be perceived as prejudicial, that Councillor should declare an interest and withdraw from the meeting. Under any of these circumstances a vote by the Councillor concerned is not permitted.
- 4.8. MPC will appoint co-opted members by voting according to Standing Orders.
- 4.9. If there are exactly as many as, or fewer candidates than vacancies, the Parish Council may vote on a composite motion, duly proposed and seconded, that all candidates be co-opted. If there are more candidates than vacancies, it will be necessary for existing Councillors present at the meeting to vote.
- 4.10. If there are more candidates than vacancies, Arnold Baker's "Local Council Administration" recommends that:
  - 4.10.1. 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 chairman of the meeting.
  - 4.10.2. Where the council is considering the co-option of a councillor to fill a vacancy under s.89 of the Local Government Act 1972, it shall be under no obligation to accept any candidate.
- 4.11. After the vote 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).

## 5. NEWLY CO-OPTED COUNCILLORS

- 5.1. Successfully co-opted candidates become Councillors in their own right, with immediate effect, and are no different to any other member. As such, they must:
  - 5.1.1. Sign the Declaration of Acceptance of Office Form at their first meeting.
  - 5.1.2. Complete a Declaration of Interests Form online within 28 calendar days of co-option.
  - 5.1.3. Confirm that they will comply with and abide by the Parish Council's Code of Conduct, as they had previously indicated on their Application and Eligibility Form.
- 5.2. The
- 5.3. successful candidate's term of office runs until the next quadrennial elections for the Parish Council.
- 5.4. The Clerk will notify Central Bedfordshire Electoral Services of the new Councillor(s) appointment(s) and update the Parish Council website accordingly.