



ELSENHAM PARISH COUNCIL

COUNCILLOR CO-OPTION POLICY & PROCEDURES

Document Control

Approved on behalf of the Parish Council	
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1. Introduction

- a) This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Elsenham Parish Council ('the Council').
- b) The Co-option procedure is entirely managed by the Council and this policy will ensure that a fair and equitable process is carried out.
- c) The Council is not obliged to fill any casual vacancy; however, with due regard to paragraphs 3 (b) and (c) below, the Council may nevertheless, choose to fill the casual vacancy by co-option.
- d) It should also be noted that should a casual vacancy occur with less than six (6) months to run before the date of the next ordinary elections for the Parish Council, then the Council is not obliged to fill the casual vacancy, and it may remain vacant. (see Section 2.3)

1.1 Definitions

- a) Absolute Majority

For the purposes of the co-option procedures, an absolute majority is defined as a candidate receiving more than half (50%) of the total votes cast and disregarding abstentions.

In practical terms, this occurs when a candidate receives at least 50% of the total votes cast + 1 vote.

- b) Relative Majority

For the purposes of the co-option procedures, a relative majority is defined as receiving more votes than any other candidate, but receiving less than half of the total votes cast, as when there are more than two candidates.

2. Co-option

2.1 Vacancies Arising on the Parish Council following an Ordinary Election

- a) Where insufficient members are elected at an ordinary election, but the Parish Council nevertheless has a quorum, the Parish Council has thirty-five (35) days from the date of the election to co-opt persons to fill those vacancies without the necessity of advertising for a potential by- election. In this circumstance, notification of the vacancies to the District Council is not required.
- b) The Local Government Act 1972 ¹ provides that three (3) or one third of the total number of Parish Councillors, whichever is greater, is necessary for a meeting to have a quorum.
- c) If however, there are insufficient councillors in the Parish Council for a quorum, the Parish Clerk should then advise Uttlesford District Council's Legal Department. In these circumstances, the District Council may (by order) appoint persons to fill, all or any of the vacancies until other councillors are elected and take up office. Uttlesford District Council's Legal Department can also advise the Parish Clerk as to the steps that will need to be taken in order to fill the vacancies.

2.2 Vacancies Arising on the Parish Council at Other Times - Casual Vacancies (and by-elections)

- a) 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. A casual vacancy occurs when: ²
 - (i) A councillor fails to make his declaration of acceptance of office at the proper time;

¹Local Government Act 1972, Schedule 12, Part II, Paragraph 12.

- (ii) A councillor resigns;
 - (iii) A councillor dies;
 - (iv) A councillor becomes disqualified; or
 - (v) A councillor fails to attend a relevant meeting for six (6) consecutive months after his/her last attendance. A relevant meeting is defined as a meeting of the council, or any of its committees or sub-committees, or to attend as a representative of the Council a meeting of an outside body.³
- b) The Council is required to notify Uttlesford District Council ('the District Council') of a Casual Vacancy, to advertise the vacancy and to give electors the opportunity to request an election. This occurs when ten (10) electors write to the District Council stating that an election is requested.
 - c) 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. The Council will pay the costs of the election. The people of the parish have fourteen days (14 days) - not including weekends, bank holidays and other notable days - to claim the by-election; however, the District Council's electoral officer will advise the Clerk of the closing date.
 - d) If more than one candidate is then nominated, a by-election will be held. However, should only one candidate be put forward, they are duly elected without an electoral ballot.
 - e) If ten (10) residents do not request a ballot within the fourteen days of the vacancy notice being posted, as advised by the District Council, the Council is able to co-opt a volunteer.

2.3 Casual Vacancies Arising within Six Months of an Election

- a) Where a casual vacancy in the office of a Parish Councillor occurs within six (6) months before the day on which the Councillor would have regularly retired, i.e. at the next ordinary election, the Parish Council may, as soon as practicable after the expiry of the period of 14 days after public notice of the vacancy has been given, co-opt a person to fill the vacancy.⁴
- b) The Council is not obliged to fill any casual vacancy. However, with due regard to paragraphs 3 (b) and (c) below, the Council may nevertheless, choose to fill the casual vacancy by co-option.
- c) Any vacancy which is not so filled must be filled at the next ordinary election.⁵
- d) Casual vacancies that occur before the six-month period are not affected by the six-month rule in any way.

²Local Government Act 1972, s. 87

³Local Government Act 1972, s.85.

⁴Local Government Act 1972, s. 89(6) and Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (S.I. 3305) rule 5.

⁵Rule 5(6) of the Local Elections (parishes and communities)(England and Wales) Rules 2006

3. Confirmation of Co-option

- a) On receipt of written confirmation, from the Electoral Services Office of the District Council, the casual vacancy may be filled by means of Co-option. The Parish Clerk will:
 - (i) Advertise the vacancy for four weeks on the Council notice boards and website.
 - (ii) Advise the Council and its Members that the Co-option Policy will be instigated.
- b) The Council is not obliged 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, should they be considered not suitable.
- c) However, it is not desirable that electors be left partially or fully under-represented for a significant length of time. Neither does it contribute to effective and efficient working of the Council, should there are insufficient councillors to share the workload; equitably; to provide a broad cross-section of skills and interests; or to achieve the required meeting quorums without difficulty.
- d) Councillors elected by co-option are full members of Elsenham Parish Council.

4. Eligibility of Candidates

- a) The Council is able to consider any person to fill a vacancy provided that:
 - (i) he/she is an elector for the parish; or
 - (ii) has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
 - (iii) had his/her principal place of work in the parish; or
 - (iv) has lived within three miles (direct) of the parish.
- b) There are certain disqualifications for election, of which the main are (see Part V, Section 80 of the Local Government Act 1972):
 - (i) holding a paid office under the local authority;
 - (ii) bankruptcy;
 - (iii) 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
 - (iv) being disqualified under any enactment relating to corrupt or illegal practices.
- c) Candidates found to be offering inducements of any kind will be disqualified.

5. Applications

- a) Members may point out the vacancies and the process to any qualifying candidate(s).
- b) Although there is no Statutory Requirement to do so, candidates will be requested to:
 - (i) Submit information about themselves, by way of completing a short application form. See *Appendix A*.
 - (ii) Confirm their eligibility for the position of Councillor within the statutory rules. See *Appendix B*.
- c) A confirmation shall be sent to each candidate acknowledging receipt of their application by the Council.
- d) Following receipt of applications, the next suitable Council meeting will have an agenda item, namely;

'To receive written applications for the office of Parish councillor and to Co-opt a candidate(s) to fill the existing vacancy(ies).'

- e) Copies of the candidates' applications will be circulated to all Councillors by the Clerk at least three (3) clear days prior to the meeting of the Council, when the Co-option is to be considered. All such documents will be treated by the Clerk and all Councillors as Strictly Private and Confidential.
- f) Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with an electronic copy of the Council's Code of Conduct, Standing Orders, Financial Regulations of the Council, Privacy Policy and Privacy Statement.⁶ Candidates will also be informed that they will be invited to speak about their application at the meeting.

6. At the Co-option Meeting

- a) At the co-option meeting, candidates will be given ten (10) minutes maximum to introduce themselves to Members, give information on their background and experience and explain why they wish to become a Member of Elsenham Parish Council.
- b) The process will be carried out by adjourning the meeting to allow the candidate to speak.
- c) Where the Council wishes to discuss the merits of candidates and (inevitably) their personal attributes, this could be prejudicial and the Council will be required to resolve to exclude the members of the press and public from the meeting.
- d) As soon as all candidates have finished giving their submissions, the Council will proceed to a vote on the acceptability of each candidate, utilising the 'person specification' criteria set out in *Appendix C*, any personal statements and responses to Members' questions made by the candidates.
- e) Councillors shall vote by secret ballot.
- f) Voting will be according to the statutory requirements, in that an absolute majority vote procedure will be used, to select a successful candidate.

Note: Appendix D contains further details of the voting procedures and instances where an absolute majority vote and/or a relative majority vote be used. In addition, typical (but not exhaustive) scenarios of possible voting situations are provided.

- g) If there are more than two (2) candidates for a vacancy and no single candidate receives an overall majority in the first round of voting, the candidate with the least number of votes will then be removed. Further rounds of voting will then take place with the process repeated until a candidate receives the required majority.
- h) In the case of an equality of votes, the Chairman of the meeting has a second or casting vote.
- i) In circumstances where there are candidates for more than one councillor vacancy, then each councillor vacancy will be considered and voted separately.
- j) After the vote has been concluded, the Chairman of the meeting will declare the successful candidate duly elected.
- k) After the completion of the co-option procedure, the successful candidate(s)/new councillor(s) will be invited to sign their Declaration of Acceptance of Office [*at the first full Parish Council meeting following their co-option*] or [*and may take their seat with immediate effect*].
- l) The Clerk will notify Electoral Services of the new Councillor appointment(s). The successful candidate(s) must complete the 'Registration of Interests' within the required twenty-eight (28) days of being elected. The form(s) should be handed to the Clerk for forwarding to the Monitoring Officer.

⁶Printed, paper copies of the Code of Conduct, Standing Orders, Financial Regulations, Privacy Policy and Privacy Statement will be made available to candidates upon request to the Parish Clerk.

- m) If insufficient candidates come forward for co-option, the process should continue, whereby the vacancy/ies are again advertised.



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APPENDIX A - Application for Co-option

Thank you for your interest in becoming a Parish Councillor. Please provide the below information to assist the council in making their decision.

Full Name & Title	
Home Address	
Home Telephone	
Mobile Telephone	
Email Address	

About You

Please provide the council with some background information about yourself.

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Reasons for applying

Please provide the council with your reasons for wanting to become a Parish Councillor.

Signature	
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Please return your completed application (comprising forms Appendix A and B) to the Clerk to the Council. Your application will be considered at the next available Parish Council meeting, where a vote will be held to decide whether the Council agrees to co-opt you onto Elsenham Parish Council.

Data Protection Act: The information provided on this application will remain private and Confidential.

APPENDIX B - Co-option Eligibility Form

1. In order to be eligible for co-option as an Elsenham 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. Please tick which applies to you:

- a) I am registered as a local government elector for the parish; or
- b) 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
- c) My principal or only place of work during those twelve months has been in the parish; or
- d) I have during the whole of twelve months resided in the parish or within 3 miles of it.

2. 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 Chairman) 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.

NOTES:

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 (5) years from the date of discharge.

DECLARATION

I, hereby confirm that I am eligible for the vacancy of Elsenham Parish Councillor, and the information given on this form is a true and accurate record.

Signature:

Date:

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APPENDIX C - Co-Opted Councillor Person Specification

COMPETENCY	ESSENTIAL	DESIRABLE
Personal Attributes	<ul style="list-style-type: none"> • Sound knowledge and understanding of local affairs and the local community. • Forward Thinking. 	<ul style="list-style-type: none"> • Can bring a new skill, expertise or key local knowledge to the Council.
Experience, Skills, Knowledge and Ability	<ul style="list-style-type: none"> • Ability to listen constructively. • A good team player. • Ability to pick up and run with a variety of projects • Solid Interest in local matters. • Ability and willingness to represent the Council and their community. • Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others views and accept majority decisions. • Ability to communicate succinctly and clearly. • Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff. • Ability and willingness to work with the Council's partners (e.g. voluntary groups, other parish Councils, principal authority, charities). • Ability and willingness to undertake induction training and other relevant training. 	<ul style="list-style-type: none"> • Experience of working or being a member in a local authority or other public body. • Experience of working with voluntary and or local community / interest groups. • Basic knowledge of legal issues relating to town and parish Councils or local authorities. • Experience of delivering presentations.
Circumstances	<ul style="list-style-type: none"> • Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) at any time and events in the evening and at weekends. 	

APPENDIX D - Voting Procedures & Examples

1. VOTING PROCEDURES

- i) Councillors shall vote by secret ballot.
- ii) It will be normal practice for the Clerk to prepare and distribute ballot voting forms to councillors to record their votes.
- iii) Voting will be according to the statutory requirements, in that an absolute majority vote procedure will normally be used to select a successful candidate. *See Section 1.1 (a) – Definitions.*
- iv) At the end of each round of voting, voting papers shall be collected by the Clerk and the counting of the votes shall be carried out in full view of the members. Upon completion of the count, the Chairman will verify the result of the count and make the appropriate announcement, *(i.e. whether a successful candidate has been chosen, or that a further round of voting is required.)*
- v) If there are more than two (2) candidates for a vacancy and no single candidate receives the required absolute majority in the first round of voting, the candidate with the least number of votes will then be removed and will not take part in any further voting rounds for the vacancy.
- vi) A further round of voting will then take place, with the process being repeated, if necessary, until a candidate receives the required majority votes.
- vii) In the case of an equality of votes, the Chairman of the meeting has a second or casting vote.
- viii) In instances where there are more than two (2) candidates and an equality of votes situation may occur, the Council may consider it necessary to temporarily use a relative majority voting procedure, in order that the Chairman will have a second casting vote to resolve a voting equality deadlock at an intermediate stage of the voting procedures. *See Section 1.1 (b) – Definitions, and also Scenario B below.*
- vii) The Chairman of the meeting will announce the name of the successful candidate for the casual vacancy.
More than one casual vacancy
- ix) In circumstances where a number of casual vacancies occur simultaneously, then the selection and voting procedures for each of these co-option vacancies will be considered individually, i.e. one-at-a-time and the voting procedures for each casual vacancy shall be used, as detailed above.
- x) For a multiple casual vacancy situation where, during the voting processes for the first councillor vacancy, certain of the candidates may have been removed from the ballot/voting process (for having received the least votes), these candidates' names will be included within the list of candidates for the other casual vacancies under consideration at that time.

2. Examples Of Possible Voting Scenarios

2.1 Scenario A

Four (4) candidates are applying for a casual vacancy; nine (9) councillors are present and participating in the vote.

Voting Round 1

Candidate 1 -	2 Votes
Candidate 2	3 Votes
Candidate 3	3 Votes
Candidate 4	1 Vote

No one candidate has received a majority vote, i.e. a majority vote would be considered to be a candidate receiving at least five (5) votes of the total votes cast. Therefore; the candidate with the least number of votes, Candidate. 4, is removed. A new round of voting now takes place with the three remaining candidates.

Voting Round 2

Candidate 1	2 Votes
Candidate 2	4 Votes
Candidate 3	3 Votes

Once again, no one candidate has received an absolute majority; therefore Candidate 1 who has the least votes is removed. The third round of voting now takes place with the two remaining candidates.

Voting Round 3

Candidate 2	6 Votes
Candidate 3	3 Votes

Candidate 2 receives a clear majority, six (6) votes and therefore he/she may be offered the councillor vacancy.

2.2 Scenario B

Four (4) candidates are applying for a casual vacancy and nine (9) councillors are present and participating in the vote. However, this example considers a somewhat more complex situation, involving equality of voting for various candidates.

Voting Round 1

Candidate 1	3 Votes
Candidate 2	2 Votes
Candidate 3	2 Votes
Candidate 4	2 Votes

Candidate 1 cannot be given the position as he/she have not received an absolute majority. However due to the equality of votes received by all of the other candidates, a *relative majority* procedure will be applied and Candidate 1 will now go through to Round 2 of the voting procedure.

As the other candidates each received equal votes (2 votes each), a separate vote (Round 1a) must now be taken for these three remaining candidates (2, 3 and 4) to decide which candidate will be removed.

Separate Voting Round (1a)

Candidate 2	3 Votes
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Candidate 3 3 Votes
Candidate 4 3 Votes

Each candidate has (again) received an equal number of votes; therefore, the Chairman of the meeting now has a casting vote. If the Chairman gives the casting vote to Candidate 3, then Candidate 3 goes forward to Round 2 and joins Candidate 1.

Another voting round is now taken – returning to the *absolute majority* procedure - in order to select the third candidate to go forward to Round 2.

Separate Voting Round (1b)

Candidate 2 5 Votes
Candidate 4 4 Votes

This result provides a clear majority to Candidate 2 and Candidate 4 is removed. Candidate 2 then joins Candidates 1 and 3 for the next round of voting (Round 2).

Voting Round 2

Candidate 1 5 Votes
Candidate 2 4 Votes
Candidate 3 0 Votes

Candidate 1 now receives a clear majority of votes, therefore further voting is not required and Candidate 1 make be offered the Councillor vacancy.

Scenario B has assumed a somewhat complex situation, which may not occur on a regular basis, but has been included to demonstrate the procedures to be used, should such a scenario/situation arise.

2.3 Scenario C

In this scenario, there is more than one casual vacancy arising within the Parish Council, simultaneously.

In this situation, and taking Scenario 1 as the example; having successfully selected Candidate 2 for the first casual vacancy, the three remaining candidates – Candidates 1, 3 and 4) - will again come forward to be considered for selection for any further casual vacancy that may also exist at that time.

The voting procedures for any other casual vacancies will also follow the agreed voting procedures.

