

# MONKSILVER PARISH COUNCIL

## COUNCILLOR CO-OPTION POLICY TO FILL A CASUAL VACANCY

### 1. Introduction

- 1.1 Monksilver Parish Council is permitted to exercise the 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 the subject of a public notice and fewer than 10 registered electors have requested an election by a deadline date specified by the West Somerset and Taunton Council Returning Officer).
- 1.2 Whenever the need for co-option arises, Monksilver Parish Council will seek and encourage applications from anyone who is eligible to stand as a Parish Councillor. Councillors or parishioners can legally approach individuals to suggest that they might wish to consider putting their names forward for co-option.

### 2. Co-option - Stage 1

- 2.1 The co-option of a Parish Councillor occurs when a casual vacancy has arisen on the council and no by-election has been called. A casual vacancy occurs when one of the following occurs:
  - a Councillor fails to sign his declaration of acceptance of office in the presence of the Parish Clerk within 28 days of being elected or co-opted.
  - a Councillor resigns;
  - a Councillor dies;
  - a Councillor becomes disqualified; or
  - a Councillor fails for six months to attend a meeting when summoned to do so and their apologies are not accepted.
- 2.2 Monksilver Parish Council will notify West Somerset and Taunton Council of a casual vacancy and then give public notice of the vacancy to give electors the opportunity to request an election. The election procedure is initiated if ten electors write to West Somerset and Taunton Council stating that an election is requested.
- 2.3 If a by-election is called, a polling station will be organised by West Somerset and Taunton Council and polling cards sent to residents. Monksilver Parish Council will be charged for all costs incurred with an election.
- 2.4 In the event of an election being called and more than one candidate is nominated, a poll will take place. When there is only one candidate they are duly elected without a ballot.
- 2.5 If ten residents do not request an election within the fourteen working days of the public notice being posted, West Somerset and Taunton District Council will inform Monksilver Parish Council that they can proceed with co-option.

### 3 Eligibility of Candidates

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**3.1** The parish council can consider any person to fill a vacancy provided that he/she:

- Is at least 18 years of age.
- Is a Commonwealth citizen (which includes a British subject) or a citizen of a member state of the European Union.

They must fulfill at least one of the following conditions during the whole of a twelve month period prior to their nomination. Candidates must have:

- Been registered as a local government elector for the parish of Monksilver.
- Occupied, as owner or tenant, land or other premises in the parish of Monksilver.
- Had his/her principal place of work in the Parish of Monksilver;
- Lived within three miles of the Parish of Monksilver.

**3.2** There are certain disqualifications for election. These are, if the person:

- Has been employed by the parish council or held a paid office under the parish/community council (including joint boards or committees), in the last twelve month period prior to their nomination.
- Is currently the subject of a bankruptcy restrictions order or interim order,
- Has been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before the date of nomination.
- Has been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations) or under the Audit Commission Act 1998.

**3.3** All eligible candidates will be invited to attend a meeting of the Full Council following the application deadline to be considered for co-option. If candidates are unable to attend, the meeting will not be rearranged.

## **4 Applications.**

**4.1** Candidates will be requested to:

- confirm their eligibility for the position of Parish Councillor within the statutory rules, and
- submit information about themselves by completing an application form.

**4.2** Completed application forms must be returned to the Parish Clerk at least three working days prior to the full Council meeting where applications for co-option will be considered. The Parish Clerk will provide all applicants with the relevant dates. Application forms must be signed. Completed forms can be sent to the Parish Clerk or scanned and emailed to the Clerk at [monksilverparishcouncil@gmail.com](mailto:monksilverparishcouncil@gmail.com), to arrive at least four working days before the meeting. All application forms received will be circulated to all Parish Councillors by the Clerk three working days before the meeting.

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## 5 Co-option at a Full Council Meeting

**5.1** Candidates will have five minutes to introduce themselves to Councillors, give information on their background and experience and explain why they wish to become a Monksilver Parish Councillor.

**5.2** After presentations have been made, Councillors will have the opportunity to ask candidates a few questions. If a candidate is unable to attend the meeting, the application will still be considered, and selection will be based on the submitted application form.

**5.3** The presentation process will be carried out in a public session. Then members of the press and public will be excluded whilst the Councillors consider the application forms submitted and the presentations. Following these discussions, the press and public will then be allowed to return to the meeting when a vote will be taken to select a candidate.

**5.4** Each candidate will need to be proposed and seconded by a Councillor to go forward to the vote. If any candidate is not proposed and seconded then they will drop out of the process at this stage. There is no requirement for Councillors who proposed or seconded a candidate in going forward to the vote to actually vote for that candidate in the vote.

**5.5** Councillors will then vote for one of the proposed and seconded candidates. If one candidate receives an absolute majority of votes cast in the first round of voting (50% plus 1 of the Councillor votes available at the meeting), then this candidate will be co-opted. If no candidate receives an absolute majority then the candidate with the least number of votes will drop out of the process. If two or more candidates receive the lowest number of votes then the Chairman will have the casting vote over which candidate(s) should drop out of the process. The voting procedure will be repeated until one candidate receives an absolute majority. If no candidate receives an absolute majority at the final stage of the process then no candidate will be co-opted.

**5.6** Only those Parish Councillors present at the meeting may vote upon a person to fill the vacancy. Votes cannot be made by proxy.

**5.7** If no candidates apply for co-option, or if none of the candidates who have applied are co-opted, then the casual vacancy will be advertised again.

**5.8** Successful co-opted candidates will be asked to sign a Declaration of Acceptance of Office which includes that they will comply with the Local Government Code of Conduct introduced under the Localism Act 2011. When the newly co-opted Councillor has signed the Declaration of Acceptance of Office notice in the presence of the Parish Clerk they may take their seat at Council.

**5.9**

Adopted by Monksilver Parish Council at their meeting on 6<sup>th</sup> December 2021

## Councillor Co-option Eligibility Form

1 Are you a British subject, citizen of the Commonwealth or a citizen of the European Union Yes/No

2 On the 'relevant date' (i.e. the day on which you are nominated or if there is a poll on the day of election) are you 18 years of age or over? Yes/No

3 Please tick the statements below that apply to you, as follows:

a) I have been registered as a local government elector for the parish of Monksilver during the whole twelve months preceding my nomination

b) I have occupied as owner or tenant, land or other premises in the parish of Monksilver during the whole of the twelve months preceding the date of my nomination,.

c) My principal or only place of work has been in the parish of Monksilver, during the whole twelve months preceding my nomination.

d) I have lived within three miles of the Parish of Monksilver during the whole of the twelve months preceding my nomination.

4 Under the Local Government Action 1972, section 80, a person is **disqualified** from being elected as a local Councillor or being a member of a local council if specific criteria are not met:

a) Have you been employed by Monksilver Parish Council or held a paid office under the parish/community council (including joint boards or committees), in the last twelve month period prior to their nomination

Yes/No

b) Are you the subject of a bankruptcy restrictions order or interim order?

Yes/No

c) Have you within the last five years been convicted of an offence in the UK, Channel Islands or the Isle of Man which resulted in a sentence of imprisonment (whether suspended or not) for a period of three months or more without the option of a fine?

Yes/No

d) Have you been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations) or under the Audit Commission Act 1998

Yes/No

### 5 Declaration

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

Signature:

Print name:

Date:

## **Application for Co-option (Casual Vacancy - Councillor)**

**First Name**

**Surname**

**Address  
including postcode**

**Telephone numbers**      Please indicate which telephone number that you would like to be available to the public if you are co-opted with a tick. Each Councillor must provide one telephone number.

**Mobile**

**Landline**

**Email address**

Please tell us something about what experience you can bring to Monksilver Parish Council.  
Please continue on an additional page, if required.

Please tell us something about the skills that you can bring to Monksilver Parish Council; for example, professional qualifications, financial or project management expertise. Please continue on an additional page, if required.

Please explain why you are interested in becoming a Parish Councillor. Please continue on an additional page, if required.

