

STALMINE-WITH-STAYNALL PARISH COUNCIL CO-OPTION POLICY

1. INTRODUCTION

1.1 Stalmine-with-Staynall 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 the subject of a public notice and fewer than 10 registered electors have requested an election by a deadline specified by the Returning Officer).

1.2 It is of paramount importance that all applicants are treated alike and arrangements are seen to be open, fair and transparent. Whenever the need for co-option arises, the council will seek and encourage applications from anyone who is eligible to stand as a Parish Councillor.

1.3 Any candidate(s) found to be offering inducements or applying any kind of undue pressure will be disqualified.

1.4 It is not desirable for electors of the parish of Stalmine-with-Staynall to be left partially or wholly unrepresented for a significant length of time; however, this must not be used as an excuse to co-opt. The council is required to co-opt as soon as practicable ('as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case' – Lawinsider dictionary).

1.5 The process for co-option to vacancies of local councils is not prescribed in law. (NALC's legal briefing LTN-08 provides guidance. However, Schedule 12 para 39 of LGA 1972 prescribes the means by which any decision can be made by the council).

2. PROCESS FOR FILLING A VACANCY

2.1 In the event of a vacancy occurring owing to the resignation, death or ineligibility of a councillor, the clerk will immediately inform the Monitoring Officer at Wyre Borough Council (WBC), 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 not call for a poll (by-election) within the legally specified time period (currently 14 days) following the publication of the Notice of Vacancy, the clerk is notified by the monitoring officer at Wyre Council that the vacancy(ies) may be filled by co-option.

2.3 On receipt of the above written notification the clerk will place a notice on Stalmine-with-Staynall Parish Council's noticeboards, website and Facebook page to invite expressions of interest. It will include the clerk's contact details and a link to the co-option application form. Details of the co-option process will be put into the Over Wyre Focus when possible.

2.4 On request the clerk will provide all applicants with the council's expression of interest co-option application form (including eligibility information), a copy of the Code of Conduct, Dignity and Respect policy and Good Councillor's Guide. These are also available to download from the Parish Council's website.

2.5 On receipt of the completed application the clerk will confirm to councillors that each applicant has declared they are qualified to become a councillor and are not disqualified from being a councillor as set out in the Local Government Act 1972, Sections 79 and 80 (as amended). Copies of the application form/s will be circulated to all councillors with the agenda prior to the 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**. Councillors will be given the opportunity to conduct the interview/s in closed session.

2.6 Applicants will be invited to the meeting to introduce themselves and speak in support of their application. Councillors will have the opportunity to ask questions and seek, through the Chair, clarification on submissions within the application form. The press and public will be asked to leave the meeting, in order for the applications to be considered. After due consideration the Chairman will reconvene the meeting and it will be reopened to the public and press and voting takes place.

2.7. Only councillors present at the meeting may vote on a person to fill the vacancy. Councillors will have one vote per vacancy to be filled. This vote should be used to vote in favour of or against the applicant. A councillor not wishing to cast a vote should withdraw from the meeting.

2.8. If a candidate is a relative of a councillor or has connections with any candidate that 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.

2.9. Members shall vote by show of hands or, if a majority of members request, by signed ballot. A successful candidate must have received an absolute majority vote of those present and voting.

2.10. If there are exactly as many as, or fewer candidates than vacancies, the council may vote on a composite motion, duly proposed and seconded, that all candidates be co-opted.

2.11 If there are more candidates than vacancies, Arnold Baker's "Local Council Administration" recommends that:

- 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.
- 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.
- After the vote, any applicants that are not present at the meeting will be notified of the results by the clerk (usually within 24 hours).

3. NEWLY CO-OPTED COUNCILLORS

3.1 After the vote has been concluded the Chairman declares that the successful candidate is duly elected. The successful candidate is then declared co-opted to the Council and summoned to attend the next council meeting. Successfully co-opted applicants become councillors in their own right and are no different from any other member. As such, they must: sign the Declaration of Acceptance of Office form at their first meeting, complete the Declaration of Interests forms online within 28 calendar days of co-option and confirm that they will comply with and abide by the Town Council's Code of Conduct and Civility and Respect policy as previously indicated on their application and eligibility form.

3.2 The successful candidate's term of office runs until the next four-yearly elections.

3.3 The clerk will notify Wyre Council electoral services of the new councillor(s).

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