

## **Councillor Co-option Procedure**

Parish Councils are permitted to exercise the power to co-opt a person onto 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 less than 10 registered electors have requested an election by a deadline date specified by the District Returning Officer).

Although seeking 'expressions of interest' is not a legal requirement, the National Association of Local Councils (NALC) recommends that Councils always give public notice of vacancies because this makes the process of co-option open and transparent and should attract more potential candidates.

Whenever the need for co-option arises, Tanworth in Arden Parish Council will:

Consider advertising the vacancy to seek and encourage 'expressions of interest' by a specified date from anyone in the Parish who is eligible to stand as a Parish Councillor. All potential candidates will be requested to put their request for consideration in writing with the following additional information:-

- i. reason for wishing to be Councillor;
- ii. previous Community/Council work; and
- iii. other skills they can bring to the Council

Tanworth in Arden Parish 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.

However, it is not desirable that electors in a particular ward be left partially or fully under-represented for a significant length of time. Neither does it contribute to effective nor efficient working of the Council if there are insufficient councillors to share the workload; equitably; to provide a broad cross-section of skills and interests; or to achieve meeting quorums without difficulty.

### **Eligibility of Candidates** (See Appendix)

Tanworth in Arden Parish Council is able to consider any person to fill a vacancy provided that:

- He/she is an elector for the parish; or
- has resided in the parish for the past twelve months or rented/tenanted land or other premises in the parish; or
- had his/her principal place of work in the parish; or
- has lived within three miles (as the crow flies) of the parish.

### **There are certain disqualifications for election, of which the main are (see 5. 80 of the Local Government Act 1972):**

- holding a paid office under the local authority;
- bankruptcy;
- 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
- being disqualified under any enactment relating to corrupt or illegal practices.

Candidates found to be offering inducements of any kind will be disqualified.

### **At the Co-option Meeting**

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to Members, give information on their background and experience and explain why they wish to become a Parish Councillor. The Council will resolve to exclude members of the press and public whilst the merits of candidates and their personal attributes are discussed. During the Closed Session, the council will proceed to a vote on the acceptability of each candidate any personal statements provided by candidates, with each candidate being proposed and seconded by the councillors in attendance and a vote by a show of hands.

In order for a candidate to be elected to Tanworth in Arden Parish Council it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two candidates and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the case of an equality of votes, the Chairman of the meeting has a second of casting vote.

After the votes have been concluded, the Chairman will declare the successful candidate duly elected and after signing their declaration of acceptance of office, may take their seat immediately or if the vote takes place at the end of a meeting they will take office at the next meeting following the vote.

**Appendix**

**Co-option Eligibility Form**

**1. In order to be eligible for co-option as a Tanworth 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 or work during those twelve months has been in the parish; or
- d) I have during the whole of the 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.

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.

**DECLARATION**

I \_\_\_\_\_ hereby confirm that I am eligible for the vacancy of Tanworth Parish Councillor and the information given on this form is a true and accurate record

Signature \_\_\_\_\_

Date \_\_\_\_\_