

TOLLESHUNT D'ARCY PARISH COUNCIL

www.tolleshuntdarcypc.org



Co-option Policy V1.0

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TOLLESHUNT D'ARCY PARISH COUNCIL CO-OPTION POLICY

1. Introduction

This policy sets out the procedures to ensure compliance with legislation and continuity of Co-option of members to Tolleshunt D'Arcy Parish Council.

2. Co-Option

The Co-option of a Councillor at Tolleshunt D'Arcy Parish Council occurs when a casual vacancy has arisen on the Council and no poll (by-election) has been called. A casual vacancy occurs when:

- A Councillor fails to make their declaration of acceptance of office on time;
- A Councillors resigns;
- A Councillor dies;
- A Councillor fails for 6 months to attend meetings of a council, committee or sub-committee or to attend as a representative of the Council at a meeting of an outside body.

Tolleshunt D'Arcy Parish Council has to notify the District Council of a casual vacancy and then advertise the vacancy and give electors the opportunity to request an election.

3. Eligibility of Candidates

Tolleshunt D'Arcy Parish Council is able to consider any person to fill a vacancy provided that they are a qualifying UK, Commonwealth or Republic of Ireland citizen, over the age of 18 and:

- On the day the candidate is a Parish Council elector; or
- They have for the past 12 months rented/tenanted land or other premises in the Parish; or
- Their principal place of work during those 12 months is in the Parish; or
- They have lived either in the Parish or within 3 miles of it during the whole of those 12 months.

There are certain disqualifications for Co-option, of which the main are:

- Holding a paid office under the local authority;
- Being the subject of a bankruptcy restrictions order;
- Having been sentenced to a term of imprisonment (whether suspended or not) of no less than 3 months, without the option of a fine during the 5 years preceding the election; and
- Having been disqualified under any enactment relating to corrupt or legal practices.

4. Confirmation of Co-Option

To ensure that a fair and transparent process is undertaken, the procedure below will be followed by Tolleshunt D'Arcy Parish Council.

- 4.1 On receipt, of written confirmation, from the Electoral Service of the District Council, the casual vacancy can be filled by means of Co-option, in this instance the Clerk will:
 - a. Advertise the vacancy for two weeks on the Councils noticeboards and website;
 - b. Advise the Council that the Co-option policy has been instigated by sending an email to all Councillors.

- 4.2 Applicants for Co-option will be asked to
 - a. Provide information about themselves by way of a letter of introduction.
 - b. Confirm their eligibility for the position of Councillor within the statutory rules.

- 4.3 Copies of the candidate's details from 4.2(a) will be circulated to all Councillors by the Clerk at least 7 days prior to a meeting of the full council where the Co-option will be considered. All such documents will be treated by the Clerk and Councillors as strictly private and confidential.

- 4.4 Voting must not be undertaken "in Committee" and will be according to the statutory requirements, in that, a successful candidate must have received an absolute majority vote of those present and voting. If there are more than two candidates for one vacancy and no one, at the first count, receives a majority over the aggregate votes given to the rest, steps must be taken to strike off the candidate with the least number of votes and the remainder must then be put to vote again; this process must, if necessary, be repeated until an absolute majority is obtained. In the case of an equality of votes, the Chairman of the meeting has a second or casting vote. (it is not possible to vote without the press & public in attendance)

- 4.5 The first candidate to receive an absolute majority of those present and voting will be duly elected.

- 4.6 After the vote has been concluded, the Chairman will declare that the successful candidate is duly elected. The successful candidate is then declared co-opted to the council.

- 4.7 The Clerk will advise the monitoring officer of Maldon District Council of the names of anyone co-opted to the council.

- 4.8 Before the successful candidate can participate in council business, they must sign the declaration of acceptance of office and deliver it to the Clerk.

- 4.9 The Register of Interests must be provided within 28 days.

| Version | Details of Changes | Date | Approver |
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