

Rowlands Castle Parish Council

11 The Green, Rowlands Castle PO9 6BW

Email: clerk@rowlandscastlepc.org.uk Tel: 02392 413044 Website: www.rowlandscastlepc.org.uk

Policy on Co-option of Councillors

(as adopted at Annual Mtg of Council on 04.05.20, and amended slightly on 01.02.21)

The Policy follows NALC Legal Briefing L15-08 and a similar Policy of Witherley Parish Council)

This Policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Rowlands Castle Parish Council ('The Council'). The co-option procedure is entirely managed by the Council and this Policy is designed to ensure that a fair and equitable process is carried out. The Council is composed of 2 wards: Rowlands Castle with 8 councillors and Finchdean with one councillor.

Reasons for Co-option

The co-option of a parish councillor can occur in two instances:

1. When an ordinary vacancy has arisen on the Council after the ordinary elections held every 4 years;
2. When a casual vacancy has arisen on the Parish Council and no poll (by-election) has been called.

Ordinary Vacancy

An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the Council at the ordinary elections held every four years. Any candidates who were nominated are automatically elected to the Council and any remaining vacancies are known as "ordinary vacancies". Provided there are enough parish councillors to constitute a quorum the Council is usually able to co-opt volunteers to fill such vacancies.

Casual Vacancy

A casual vacancy occurs when:

- A councillor fails to make their declaration of acceptance of office at the proper time;
- A councillor resigns;
- A councillor dies;
- A councillor becomes disqualified and/or fails to attend Council Meetings for 6 months or more, without their absence having been approved by the Council.

The Council must notify the Democratic Services Dept of East Hampshire District Council ('EHDC') of a casual vacancy and then advertise the vacancy and give electors for the relevant ward the opportunity to request an election. This occurs when ten electors of the Parish give notice in writing to the EHDC Returning Officer claiming such an election.

Confirmation of Co-option Procedure

On receipt of confirmation from EHDC's Democratic Services that no by-election has been requested, the casual vacancy can be filled by means of co-option. The Clerk will advertise the vacancy for four weeks (or such other period as the Council may determine) on the Council notice boards and website.

This procedure will also apply in the case of an ordinary vacancy where EHDC's Electoral Services Office has confirmed that there were insufficient nominations to fill all the seats but there are sufficient councillors elected to constitute a quorum.

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Eligibility of Candidates

In accordance with s79 of the Local Government Act 1972, the Council is able to consider any person to fill a vacancy provided that:

- he/she is aged 18 or over; and
- he/she is a British citizen, or an eligible Commonwealth citizen, or a citizen of any member state of the European Union *.

* see The Electoral Commission's *Guidance for Candidates, updated January 2020* for more info.

and at least one of the following apply:

- he/she is an elector for the Parish and continues to be an elector; or
- has resided in the Parish for the past 12 months or rented/tenanted land in the Parish; or
- has had his/her principal or only place of work in the Parish for the past 12 months; or
- has lived within 3 miles of the Parish for the past 12 months.

In accordance with s80 of the Local Government Act 1972, there are certain disqualifications from being a parish councillor, of which the main ones are:

- holding a paid office or employment under the Council;
- bankruptcy;
- having been sentenced to a term of imprisonment (whether suspended or not) of not less than 3 months, without the option of a fine during the preceding five years; or
- being disqualified under any enactment relating to corrupt or illegal electoral practices.

Applications

Eligible persons wishing to offer themselves to fill a casual vacancy are encouraged to communicate with the Clerk in the first instance. He/she will have the opportunity to meet with the Clerk and the Chairman to discuss the work of the Council and to gain an understanding of what is required of a councillor. Following that informal meeting, candidates will be requested to:

- Attend at least one Council meeting as an observer;
- Submit information about themselves (detailing relevant information on the experience and skills the individual believes they can offer the Council) by way of completing a short Application Form (see Appendix A);
- Confirm their eligibility for the position of parish councillor within the statutory rules, (see Appendix B).

Co-option Timescale

Following receipt of an application(s) from an eligible candidate candidate(s), copies will be circulated to all councillors by the Clerk. All such documents will be treated by the Clerk and all councillors as strictly private and confidential. An informal meeting will be held at which the candidate(s) will be given 5 minutes maximum to introduce themselves to the councillors, give information on their background and experience and explain why they wish to become a member of the Council. Councillors may then ask questions to elicit further information that will help them when deciding on co-option. This process will be carried out without members of the public and press being present.

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After this informal meeting, the next suitable Council meeting will include an agenda item to consider the application(s) and decide on whether to co-opt the candidate(s) to fill the existing vacancy/vacancies. Voting will take place in accordance with the Council's Standing Orders.

New councillors must sign a Declaration of Acceptance of Office, including an undertaking to abide by the Council's Code of Conduct, before they can take office and this must be witnessed by the Clerk. New councillors must also complete a Declaration of Pecuniary Interests, to be sent to EHDC's Monitoring Officer within 28 days of their co-option. The Clerk will notify EHDC's Democratic Services of the co-option of the new parish councillor(s).

If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.

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**Please give the reasons why you are applying to be a Parish Councillor and add any other information you would like to disclose regarding your application?
(If necessary, please continue on a separate sheet)**

Use of personal information

The Council will use your information, including that which you provide on this application form, to assess your suitability to be a parish councillor.

Declaration & Consent

I have read the section entitled "Use of Personal Information" and by signing this form I consent to the use and disclosure of my information included in this Application form and in accordance with the Council's Policy on the Co-option of Councillors

I declare the information given on this form to be true and correct.

SIGNED..... DATE:

PRINT NAME:

Please complete this Application Form and the Co-option Eligibility Form, and send both to:

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APPENDIX B: Co-option Eligibility Form

In order to be eligible for co-option to the Council, pursuant to s.79 of the Local Government Act 1972, you must satisfy the following criteria:

(a) and (b) below and at least one of the options (c) – (f). Please tick which apply to you.

NB: The statements you make below must continue to be true in the event of you being co-opted to the Council and thereafter. Please advise the Clerk of change in circumstances.

- a. I am 18 years of age or over; and
- b. I am a British citizen, or an eligible citizen of the Commonwealth, or of any member state of the European Union
- c. I am registered as a local government elector for the Parish; or
- d. I have, during the whole of the 12 months preceding the date of my application, owned or tenanted land or premises within the Parish; or
- e. My principal or only place of work during those 12 months has been in the Parish; or
- f. I have during the whole of those 12 months resided in the Parish or within 3 miles of it.

I am not subject to disqualification from being a parish councillor, pursuant to s.80 of the Local Government Act 1972. Please confirm your agreement by ticking the following boxes:

- a. I am not employed by the Council or hold a paid office under the Council (including joint boards or committees); and
- b. I am not employed by an entity controlled by the Council; and
- c. I do not hold a politically-restricted post; and
- c. I am not the subject of a Bankruptcy Restrictions Order or Interim Order
- d. I have not been sentenced to a term of imprisonment of 3 months or more (including a suspended sentence) without the option of a fine, during the 5 years before the date of this Application; and
- e. I am not otherwise disqualified under Part III of the Representation of the People Act 1983 (relating to corrupt or illegal electoral practices and offences relating to donations) or the Audit Commission Act 1998.

Use of Personal Information

The Council will use the information provided on this form to assess your eligibility to be a parish councillor.

Declaration & Consent

I hereby confirm that I am eligible for the vacancy of Rowlands Castle Parish Councillor and that the information given on this form is true and correct. I have read the section entitled "Use of Personal Information" and by signing this form I consent to the use and disclosure of my information included in this form and in accordance with the Council's Policy on the Co-option of Councillors

SIGNED..... DATE:

PRINT NAME: