

## BARLING MAGNA PARISH COUNCIL

### **Agreed policy and procedures for co-options to the Council in the event of a casual vacancy**

Approved by Council on 8<sup>th</sup> March 2018

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#### 1. Background

- 1.1 It is not desirable that electors of the Parish are left under-represented for a significant length of time. Neither does it contribute to the effective and efficient working of the Parish Council if there are insufficient Councillors to share the workload equitably, provide a broad cross-section of skills and interests or to achieve the quorum for meetings without difficulty.
- 1.2 Although the process for co-option to vacancies of local councils is not prescribed in law, NALC's Legal Briefing L15-08 (Original date of issue: 23 July 2008 Re-issue: 7 May 2015) provides guidance.
- 1.3 Of paramount importance is that all applicants are treated alike so that arrangements are perceived to be open, fair and transparent and the reputation of the Council is upheld.

#### 2. Agreed policy

- 2.1 Whenever the need for co-option arises, Barling Magna Parish Council will encourage applications from anyone who is eligible to stand as a Parish Councillor. Councillors and parishioners may approach individuals to suggest they might wish to consider putting their names forward for co-option, encouraging them to register their expression of interest.
- 2.2 The Parish Council is not obliged to co-opt 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.
- 2.3 In the event of a vacancy occurring due to resignation, death or ineligibility, the Clerk will inform the Elections Officer at Rochford District Council.
- 2.4 A Notice of Vacancy will then be posted on the District Council's website and on the Parish Council's noticeboards and website.

- 2.5 Should the requisite 10 electors of the Parish not call for a poll (by-election) within the legally-specified time following the publication of the Notice of Vacancy, the vacancy may be filled by co-option.
- 2.6 The Clerk will place a notice announcing that any vacancy(ies) are to be filled by co-option, inviting expressions of interest.
- 2.7 The Clerk will provide all enquirers with the Parish Council's Application and Eligibility form for completion and return.
- 2.8 Notice of the intention to co-opt should be given in the agenda for the meeting of the relevant Parish Council meeting.
- 2.9 Completed forms will be circulated to Parish Councillors at least five days before a full meeting of the Council where the co-option will be considered. All such documents will be treated by the Councillors and Clerk as strictly private and confidential.
- 2.10 Candidates will be informed of the date of the meeting at which the Parish Council will make its decision. They may be invited to the meeting to introduce themselves and to provide Councillors the opportunity to ask questions of them, or the Council may decide to rely on the written submissions alone. If candidates are invited to speak, every effort should be made to ensure that they are given equal treatment.
- 2.11 The clerk will co-ordinate a list of questions to be asked of all candidates. No questions will be asked that will disadvantage any candidate based on age, gender, disability, employment status, sexual orientation, religious or political values or any other arbitrary matter.
- 2.12 If a candidate is a relative of a Councillor or has connections with any Councillor which may be perceived as prejudicial by a majority of members, that Councillor should declare an interest and withdraw from the meeting and not participate in either the discussion or the vote.
- 2.13 The Council may then discuss all the candidates' suitability for the role. However, please note that the public and press (and candidates) cannot be excluded from the part of the meeting where the discussion and decision take place.
- 2.14 Only Councillors who are present at the meeting may vote upon a person to fill the vacancy. Councillors will have one vote per vacancy to be filled.

2.15 The Parish Council will appoint co-opted members by voting according to Standing Orders.

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

- i) A successful candidate should have received an absolute majority vote of those present and voting. So, if there are more than two candidates for one vacancy and none of them at the first count has an overall majority, the candidate with the fewest votes should be eliminated and the remainder put to the vote again. The process should be repeated as necessary until one candidate has an overall majority. This approach meets the requirements of Standing Order 8a.
- ii) Each vacancy should be filled by a separate vote or series of votes.
- iii) In the event of a tie, the Chair has the casting vote.

2.17 After the vote, the Clerk will notify the candidates of the results by email, as soon as is reasonably possible (usually within 24 hours). Successfully co-opted candidates become Councillors with immediate effect. As such, they must sign the Declaration of Acceptance of Office and Registration of Interests Form at their first meeting, or within 28 calendar days of election, whichever is the sooner. The successful candidate(s) will also confirm that they will comply with and abide by the Parish Council's Code of Conduct.

2.18 The successful candidate's term of office runs until the next quadrennial elections for the Parish Council.

8 March 2018