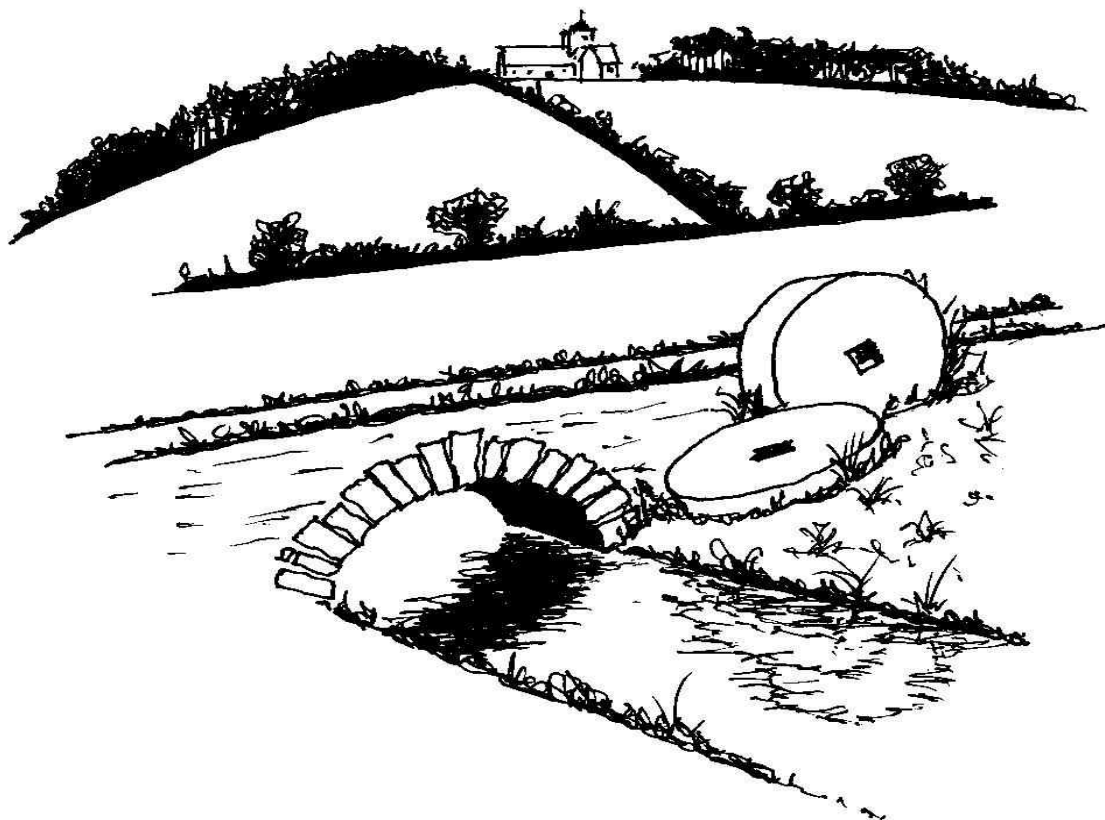


St Martha Parish Council



CO-OPTION POLICY and Procedures

Version	Date of Adoption	Minute Reference	Review Date	Originator
0.3	2024			JT

1. Policy

To ensure compliance with legislative requirements and Surrey Association of Local Councils (SALC) guidance relating to co-option and provide up-to-date procedures for the co-option of members to St Martha Parish Council (SMPC). The co-option procedure is entirely managed by St Martha Parish Council and this document will ensure that a fair and equitable process is carried out.

2. Roles within the organisation

The Council is a corporate body. All decisions of the Council are taken by the majority vote during Council, or Committee meetings.

The Chairman is responsible for ensuring the business of the meeting is transacted in accordance with the Council's standing orders and financial regulations in an efficient and timely manner.

The Clerk to the Council is the Proper Officer/Responsible Financial Officer and carries out the statutory obligations of the Council.

3. Co-option

The Co-option of a Parish Councillor 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 his/her declaration of acceptance of office at the proper time;
- A councillor resigns;
- A councillor dies;
- A councillor becomes disqualified;
- A councillor fails for six (6) months to attend meetings of a council committee or subcommittee or to attend as a representative of the council a meeting of an outside body.

SMPC has to notify the District Council of a Casual Vacancy. In the case of a resignation, notification is to occur on the 'effective date' of the resignation, via electoralservices@guildford.gov.uk to ensure that the Notice of Casual Vacancy can be issued by the District Council as soon as possible. SMPC will also issue a notice to advertise the vacancy and give electors the opportunity to request an election. An election will be called if ten or more electors notify the District Council requesting an election.

If a by-election is called, a polling station will be set up by the District Council and the electors will be asked to vote for candidates who will have put themselves forward by way of nomination papers. SMPC will pay the costs of the election. The electors have fourteen days (not including weekends, bank holidays and other notable days) to claim the by-election and the Electoral Officer will advise the clerk of the closing date.

If more candidates than vacancies are nominated a by-election takes place, however, if the number of candidates put forward is the same as, or less than, the number of vacancies, they are duly elected without a ballot.

If ten or more residents do not request a ballot within fourteen working days of the vacancy notice being posted, as advertised by the District Council, SMPC is able to co-opt a volunteer.

4. Confirmation of Co-option

On receipt of written confirmation from the Electoral Services Office of the District Council the casual vacancy can be filled by means of Co-option. The parish clerk will:

- Advertise the vacancy for four weeks on the council notice boards, website and any other suitable means;
- Advise SMPC that the Co-option Policy has been instigated.

Councillors elected by co-option are full members of SMPC.

5. Eligibility of Candidates

SMPC is able to consider any person to fill a vacancy provided that they meet the following criteria:

A person is qualified to be elected and to be a councillor if they are a British, Commonwealth, Irish or European Union citizen and on the relevant day (that is, the day of nomination or election), they are 18 or over. In addition, the person must meet at least one of the following criteria: -

- a) On the relevant day and thereafter they continue to be on the electoral register for the Parish, or
- b) During the whole of the twelve months before that day they have owned or tenanted land or premises in the Parish, or
- c) During the whole of the twelve months before that day their principal or only place of work has been in the Parish, or
- d) During the whole of the twelve months before that day they have resided in the Parish or within three miles of it.

Except for qualification (a), these qualifications then continue for the full term of office, until the next ordinary elections.

There are certain disqualifications for being a parish councillor (see S80 of the Local Government Act 1972) of which the main are:

- holding a paid office or employment under the Parish Council
- holds any employment in a company which, in accordance with Part V of the Local Government and Housing Act 1989 other than section 73, is under the control of the local authority
- the subject of a bankruptcy restrictions order or interim order
- 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 preceding five years; or
- being disqualified under any enactment relating to corrupt or illegal electoral practices.

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

6. Applications

Members may point out the vacancies and the process to any qualifying candidate(s).

All candidates will be requested to:

- Submit information about themselves by way of completing a short application form
- Confirm their eligibility for the position of Councillor within the statutory rules

Following receipt of any applications, the next suitable council meeting will have an agenda item: 'To receive written applications for the office of Parish Councillor and to Co-opt a candidate to fill the existing vacancy'.

If the number of eligible candidates is the same as, or less, than the number of vacancies, then the applicant(s) will be invited to the next meeting to be co-opted and be sent, a full agenda, the last minutes, a copy of the Code of Conduct, Standing Orders and Financial Regulations.

If there are more eligible candidates than vacancies, then copies of the application will be circulated to all Councillors by the Clerk at least three clear days before the meeting of the full Council when the Co-option will be considered. All such documents will be treated as strictly confidential by the Clerk and Councillors.

Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment together with, the last minutes, and a copy of the Code of Conduct, Standing Orders and Financial Regulations. Candidates will also be informed that they will be invited to speak about their application at the meeting.

7. Co-option Meeting Process

Where there are fewer, or an equal number of eligible candidates to vacancies, candidates may speak to introduce themselves. They will then be voted on and welcomed to SMPC. After signing their Declaration of Acceptance of Office they will be able to join the meeting as full Councillors.

Where there are more candidates than vacancies, the candidates will be given five minutes each to introduce themselves to members, give information on their background and experience and explain why they wish to become a member of SMPC. The process will be carried out by adjourning the meeting to allow the candidates to speak. To allow the Council to discuss the merits and personal attributes of candidates the Council will resolve to exclude the members of the press and public for a short period of time. Councillors who are well known to candidates (such as a relative or close friend) will recuse themselves from this process and the subsequent vote.

Members of the press and public will then be invited to return and the Council will proceed to vote on the acceptability of each candidate utilising the Person Specification criteria and any personal statements provided by the candidate(s), with each candidate being proposed and seconded by the Councillors in attendance and a vote by show of hands. The vote will be recorded.

For a candidate to be elected to SMPC 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 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 absolute majority. In the case of an equality of votes the Chairman of the meeting has a casting vote.

After the vote has been concluded the Chairman will declare the successful candidate(s) duly elected and, after signing their Declaration of Acceptance of Office, he/she/they may take their seat immediately.

8. Insufficient candidates:

If insufficient candidates come forward for co-option, but the Council is quorate, the process should continue, whereby the vacancies are again advertised, with co-option remaining a matter of business until the remaining vacancies are filled.

If the Council is not quorate, (less than 3 members) then the Clerk should contact the Borough Council who may (by order) appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.

9. Holding a Position of Public Office

The Clerk will notify Guildford Borough Council Electoral Services Office of the co-option of the new parish councillor. A co-opted Parish Councillor will also complete a Notification of Disclosable Pecuniary and Other

Interests form which the Clerk/Chairman will lodge with the Monitoring Officer at Guildford Borough Council within 28 days of the co-option. Failure to comply, without reasonable excuse, with the arrangements for the registration and disclosure of disclosable pecuniary interests is a criminal offence, with a penalty on conviction of a fine of up to £5,000 and disqualification from office for up to five years.

It is also a criminal offence to knowingly provide false or misleading information when making the notification or to be reckless as to whether the information is true and not misleading.

Councillors hold a position of public office with which comes responsibilities to attend all the meetings of the council and to abide by the seven principles (or Nolan principles) of public life being:

1. Selflessness
2. Integrity
3. Objectivity
4. Accountability
5. Openness
6. Honesty
7. Leadership

Councillors are required to promote and maintain high standards of conduct when they are representing the council and are required to:

- Treat others with respect
- Not to bully or behave in an intimidatory manner
- Not seek to improperly confer an advantage or disadvantage on others
- To use the resources of the Council in accordance with its requirement; and
- Not to disclose confidential information

10. Support and Training

SMPC provide a 'buddy' system and a walk around the parish. Ongoing training is provided via the Surrey Association of Local Councils and other bespoke training sessions. These vary between day-time and evening sessions. The Clerk can also provide advice as and when required. In addition, there is a comprehensive handbook available: [The Good Councillor's Guide](#)

How to find out more

The National Association of Local Councils has a website www.nalc.gov.uk - alternatively you could attend a meeting of the Council, talk to existing councillors, or to the Clerk.