



Claydon with Clattercote

# **Claydon with Clattercote Parish Council**

## **1 Introduction**

- 1.1 This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Claydon with Clattercote Parish Council
- 1.2 The co-option procedure is entirely managed by the Council, and this policy will ensure that a fair and equitable process is carried out.
- 1.3 The co-option of a parish councillor occurs in two instances:
- 1.4 When an ordinary vacancy has arisen on a Parish Council after the ordinary elections held every four years,
- 1.5 When a casual vacancy has arisen on a Parish Council and no poll (by-election) has been called.

## **2 Ordinary vacancy**

- 2.1 An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on a Parish 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 Councillors to constitute a quorum, the Council is usually able to co-opt a volunteer to fill the vacancies.

## **3 Casual vacancy**

- 3.1 According to section 87 of the 1972 Act, a casual vacancy occurs when:
  - A councillor fails to deliver their declaration of acceptance of office at the proper time; or
  - A councillor resigns; or
  - A councillor dies; or
  - In the case of a councillor who is disqualified by virtue of a criminal conviction, under section 79 of the Local Government Act 2000 (Wales) or under section 34 of the Localism Act 2011, the expiry of the period for making an application or appeal or, if an appeal or application has been made, the date that any such application or appeal process comes to an end; or
  - On the date of a report or certificate of an election court that declares an election void;
  - A person ceases to be qualified to be a councillor for a reason not mentioned above; or
  - A councillor fails to attend meetings for six consecutive months.

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**Community** - Support our local communities, encourage inclusion and diversity.

**Environment** - Protect and enhance our local environment.

**Governance** - Promote participation, good management, and efficiency.

To maintain and enhance the quality of life and sense of community within the Parish of Claydon & Clattercote.  
To safeguard the individual character of our village and protect its rural environment whilst supporting sustainable development that meets the needs of residents now and in the future.

- 3.2 A Parish Council must notify the District Council of a casual vacancy and then advertise the vacancy and give electors for the ward the opportunity to request an election. This occurs when ten (10) electors of that ward write to the District Council stating that an election is requested.
- 3.3 If a by-election is called, the District Council will manage the election but the cost is usually met by the Parish Council. Local electors have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services Office will advise the Clerk of the closing date.
- 3.4 If more than one (1) candidate is then nominated, a by-election takes place but if only one (1) candidate is put forward they are duly elected without a ballot.
- 3.5 If ten (10) residents of that ward do not request a by-election within fourteen (14) days of the vacancy notice being posted, as advised by the Electoral Services Office, the Parish Council is able to co-opt a volunteer.
- 3.6 Should casual vacancies occur within six (6) months of the next regular election of the Council then no by-election can take place. The Council may co-opt new members if it so wishes.

#### **4 Confirmation of Co-Option**

- 4.1 On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, the casual vacancy can be filled by means of co-option.

The Clerk will:

- Advertise the vacancy for at least four (4) weeks or such other longer period as the Parish Council may agree, on the Parish Council notice boards and website,

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

#### **5 Eligibility of Candidates**

- 5.1 The Parish Council must consider any person to fill a vacancy provided that:

- They are 18 or over,
- They are a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union;

and at least one of the following apply:

- They are an elector for the Parish and continues to be an elector,
- Or has resided in the Parish for the past twelve 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 twelve months,
- Or has lived within three miles of the Parish for the past twelve months.

- 5.2 There are certain disqualifications for being a parish councillor, of which the main are (see s80 of the

Local Government Act 1972):

- Holding a paid office or employment under the Parish Council,
- Bankruptcy, (in this instance further guidance should be sought from the Clerk)
- 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,
- Are subject to the notification requirements of Part 2 of the Sexual Offences Act 2003
- Being disqualified under any enactment relating to corrupt or illegal electoral practices.

## **6 Applications**

- 6.1 Candidates will be requested to:
- Submit information about themselves, by way of completing a short application form.
  - Confirm their eligibility for the position of parish councillor within the statutory rules.
- 6.2 Following receipt of applications, the next suitable Full 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'.
- 6.3 Eligible candidates will be provided with a copy of the Co-option Policy and Procedure and invited to attend the meeting.
- 6.4 Eligible candidates' applications will be circulated to all Parish Councillors by the Clerk prior to the meeting of the Full Council, when the co-option will be considered.
- 6.5 All such documents will be treated by the Clerk and all Parish Councillors as strictly private and confidential.

## **7 Co-Option**

- 7.1 Candidates will be asked to speak in alphabetical order (by surname)
- 7.2 At the Full Council meeting, candidates will be given three minutes maximum to introduce themselves to the Parish Councillors (members), give information on their background and experience and explain why they wish to become a member of the Parish Council. The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken.
- 7.3 Following the candidate presentations/addresses, any candidate proceeding to a vote will need to be proposed and seconded. The candidates remain in the room during this process. The council will then vote by show of hands.
- 7.4 In order for a candidate to be co-opted to the Parish Council, it will be necessary for them to obtain a simple majority of the votes available at the meeting. In the event of a tied vote, the Chair has the casting vote.
- 7.5 The candidate who is co-opted will sign a Declaration of Acceptance of Office, including an undertaking to abide by the Parish Council's Code of Conduct, and may take office thereafter.
- 7.6 The Clerk will notify the District Council Electoral Services Office of the co-option of the new

Parish Councillor.

- 7.7 The co-opted Parish Councillor is required to complete a Register of Interests form.
- 7.8 If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.