



**PORTREATH**  
PARISH COUNCIL

Co option Policy

Adopted: **DRAFT**

## **Introduction**

Parish Councils are permitted to exercise the power to co-opt a person on to the Council to fill a casual vacancy when the requirements to hold an election have not been met (i.e. the vacancy has been the subject of a public notice and less than ten registered electors have requested an election by a deadline date specified by the District Returning Officer).

## **Procedures**

To ensure a fair and transparent process is undertaken the following procedure will be followed by Portreath Parish Council:

1. On receipt of written confirmation from the Electoral Services Office that the casual vacancy can be filled by means of co-option<sup>1</sup>, the Clerk will advertise the vacancy on the Parish Council website, noticeboard and social media.
2. Application forms will be issued to those who express an interest as well as being available to download from the parish council website.
3. Applicants for co-option will be asked to:
  - a) Confirm their eligibility for the position of Councillor within the statutory rules<sup>2</sup>
  - b) Submit information about themselves by way of completing an application form
4. Copies of the applicant's application form will be circulated to all Councillors by the Clerk prior to the meeting of the Council when the co-option will be considered. All such documents will be treated by the Clerk and all Councillors as Strictly Private and Confidential.
5. Applicants will be invited to the next Parish Council meeting and invited to speak for up to three minutes, giving information about themselves and why they would like to be a Councillor. Councillors will be allowed to ask questions of the applicants.
6. Should there be more candidates than vacancies written ballot will take place to determine which candidate/s will be co-opted on to the council.
7. There are no set rules regarding how a Council co-opts a new Councillor. Councillors may choose who they like but the applicant must be qualified to have been a candidate.
8. Only Councillors present at the Council meeting may vote upon a person to fill the vacancy.

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<sup>1</sup> Representation of the People Act 1985 s21 (2) b)

<sup>2</sup> Local Government Act 1972, s 79

- 9.** Voting will be in accordance with statutory requirements, in that a successful applicant must have received an absolute majority vote of those present and voting<sup>3</sup>. If there are more than two applicants for one vacancy, steps must be taken to strike off the candidate with the least number of votes and the remainder must then be put to the vote again; this process must, if necessary, be repeated until an absolute majority is obtained. Therefore, if there are more candidates than vacancies, the candidate with the lowest number of votes will be excluded. Voting will continue with the lowest polling applicant being excluded until the number of applicants matches the number of vacancies. Voting will be by written ballot and if any member so requires the Clerk shall record the names of members who voted, so as to show whether they voted for, against or abstained. In the case of an equality of votes, the Chairman of the meeting has a second or casting vote.
- 10.** The first candidate to receive an absolute majority of those present and voting will be duly elected.
- 11.** After the vote has been concluded the Chairman declares the successful candidate(s).
- 12.** Before the successful candidate(s) can participate in Council business they must sign the Declaration of Acceptance of Office in the presence of the Clerk<sup>4</sup> and be formally summoned to a council meeting.
- 13.** The Clerk will advise Democratic Services at Cornwall Council of the names of anyone co-opted to the Council.
- 14.** The Clerk is responsible for providing each new Councillor with an induction pack. It will be taken that all new Councillors have read and understood the Code of Conduct and Standing Orders adopted by Council.
- 15.** All new Councillors must within 28 days of appointment to office, register their interest with the Monitoring Officer<sup>5</sup>. Forms will be supplied by the Clerk and new Councillors must return the completed forms back to the Clerk within this timescale.
- 16.** The Council is not obliged to provide feedback on the application process to unsuccessful candidates.

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<sup>3</sup> Local Government Act 1972, Sch 12, para 39

<sup>4</sup> Local Government Act 1972, s83 (4)

<sup>5</sup> Localism Act 2011 s30 (1)