# Woodbury Parish Council
**(serving Exton, Woodbury and Woodbury Salterton)**

# Co-option Policy

## 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 Woodbury 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:

- When an ordinary vacancy has arisen on the Parish Council after the ordinary elections held every four years,

- When a casual vacancy has arisen on the Parish Council and no poll (by-election) has been called.

1.4 Woodbury Parish Council has thirteen Councillors (who typically serve a full four-year term) and is composed of three wards: Exton, Woodbury and Woodbury Salterton.

## Ordinary vacancy

2.1 An ordinary vacancy occurs when there are no eligible candidate or insufficient candidates to fill all the seats on the Parish Council at the ordinary elections held every four years. Any candidates who were nominated are automatically elected to the Parish Council and any remaining vacancies are known as “ordinary vacancies”.
Provided there are enough parish councillors to constitute a quorum (one third of the total number of Councillors - five members), the Parish Council is usually able to co-opt a volunteer to fill the vacancy.

## Casual vacancy

3.1 A casual vacancy occurs when:

- A councillor fails to make his 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 the council including committee, sub-committee or to attend, as a representative of the council, a meeting of an outside body unless, they have a ‘statutory excuse’ (i.e. military service, jury service) or the failure to attend is due to a reason approved by the parish council;

3.2 The Parish Clerk notifies the East Devon District Council that a seat has fallen vacant. However, if the vacancy is within the six months of period prior to an election, then the Parish Council may choose whether to fill the vacancy or not;

3.3 A notice of the casual vacancy would be advertised to give electors of the ward the opportunity to request a poll (election). This occurs when ten (10) electors write to East Devon District Council stating that an election is requested;

3.4 If a by-election is called within 14 days (not including weekends, bank holidays and other notable days), and only one candidate is nominated they will be duly elected unopposed without a ballot. If there are two or more candidates nominated then a polling station will be set up in the ward by East Devon District Council and the people of the ward will be asked to go to the polls to vote for Woodbury Parish Council will pay the costs of the election;

3.5 If ten (10) residents do not request a ballot within fourteen (14) days of the vacancy notice being posted, as advised by East Devon District Council, the Parish Council is able to co-opt a volunteer. The Parish Council will give public notice of the vacancy and intention to co-opt.

# Confirmation of Co-Option

4.1 On receipt of written confirmation from East Devon District Council that no by-election has been claimed, the casual vacancy can be filled by means of co-option.

4.2 The Clerk will:

- Advise Woodbury Parish Council that the co-option process has been instigated;
- Advertise the vacancy for four weeks on the Parish Council notice boards and website;
- Promote the vacancy on social media platforms and any other relevant media and publications;

- If the vacancy is as a result of the death of a Councillor, no advertisement will be posted until after the funeral.

The Parish Council will ensure an open and transparent co-option process and engage as fully as possible to attract a diverse range of potential candidates. The process for standing for co-option will be accessible and have due regard to equality and diversity. Woodbury Parish Council is not obliged to fill any vacancy, if it remains quorate.

However, there is a risk that electors in a particular ward may be left partially or fully under-represented for a significant length of time. Neither does it contribute to effective and efficient working of the Council if there are insufficient councillors to share the workload, provide a broad cross-section of skills and interests or achieve meeting quorums without difficulty

Councillors elected by co-option are full members of Woodbury Parish Council.

# Eligibility of Candidates

5.1 The Parish Council is able to consider any person to fill a vacancy (see s79 of the Local Government Act 1972) 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:

- 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 their 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;
- 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;

- Being disqualified under any enactment relating to corrupt or illegal electoral practices.

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

# Applications

6.1 Candidates will be requested to:

- Confirming their eligibility and that they do not meet any of the criteria to be disqualified
- Submit information about themselves, by way of completing a short application form
- Reason for wishing to become a Councillor

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 invited to attend the meeting.

6.4 Copies of the eligible candidates' applications will be circulated to all Parish councillors by the Clerk at least 3 clear days prior to the meeting of the Full Council, when the co-option will be considered. Applications must be received at least seven days prior to a Full Council meeting to be considered.

6.5 All such documents will be treated by the Clerk and all Parish Council as strictly Private and Confidential

6.6 Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment.

# Co-Option

7.1 At the Full Council meeting, candidates will be given five 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 Woodbury 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. However, where the Parish Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Parish Council can resolve to exclude the members of the press and public.

7.2 Following the candidate presentations/addresses, members will proceed to a vote in the form of an anonymous ballot.

7.3 In the event of a candidate being related to a councillor, then the councillor would be expected to declare an interest and request a dispensation to speak and vote. If there is a serious conflict of interest, the must declare and request to be exempt from the co-option process and will be invited to leave the room at this point of the meeting.

7.4 In order for a candidate to be co-opted to the Parish, 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 are more than two candidates and 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.

7.5 Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. The Chairman (or person presiding over the meeting) can vote and in the event of a tied ballot, the Chairman may exercise their casting vote.

7.6 The ballot(s) will be counted by the Parish Clerk and the Chairman will declare the successful candidate (s)as duly elected.

7.7 The candidate (s) duly elected 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. If not present, a co-opted candidate will sign the Declaration of Acceptance of Office either before or at the next meeting of the Parish Council.

7.8 The Clerk will notify East Devon District Council of the co-option of the new parish councillor (s).

7.9 The co-opted parish councillor will complete a Register of Interests form and made aware that this will need to be completed within 28 days of co-option.

7.10 Where appropriate the co-opted councillor will also be appointed to any council committee.

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

This Policy was approved on Monday 22nd May 2023 and will be reviewed annually.