

WATERBEACH PARISH COUNCIL

Policy: Co-Option

1. Introduction

The process for co-option is laid out in the Local Elections (Parishes and Communities Rules 2006) and the Local Government Act 1972. This policy sets out in detail the circumstances which permit co-option and the legislation relating to the co-option of persons to fill vacancies within the parish council. The policy is based on NALC Legal Briefing L15-08 which recommends co – option process good practice.

2. Notification

2.1 There are two circumstances under which the Electoral Officer of South Cambridgeshire District Council (SCDC) notifies Waterbeach Parish Council that a casual vacancy has occurred:

- a) when a seat is vacant because no eligible candidate stood for election at the full elections for a new council. In this instance the Parish Clerk would be notified of vacancies by SCDC and the council will decide if they wish to fill all or some of such vacancies by giving public notice.
- b) during the life of a council when a seat has fallen vacant (because of a resignation, death or a person ceases to qualify to be a councillor). The Parish Clerk will immediately notify the Electoral Officer and the vacancy will be advertised.

When a vacancy is advertised, the option is open for 10 registered electors of the Parish to contact SCDC and request a formal poll (a by-election). If that has not happened within the legally specified time period (currently 14 days following the notice of vacancy) the Parish Clerk would be notified by SCDC and that the vacancies can be filled by co-option.

2.2 The Parish Council is not obliged to co-opt to fill any vacancy. This applies both in deciding whether to advertise and in deciding whether to select anyone from the candidates who apply.

2.3 In deciding whether or not to advertise, the council will consider a number of factors including:

- any disadvantage to the representation of electors
- the effective and efficient working of the Council
- the provision of a broad cross-section of skills and interests;
- any difficulty in achieving quorums
- how long it is since the last full election, and how near the next election is
- when a vacancy was last advertised
- whether expressions of interest have been received from potential councillors

2.4 Councillors elected by co-option are full members of the Council. Parish Councillors receive no remuneration or allowances.

2.5 To ensure that a fair and transparent process is undertaken this policy sets out the process to be followed by Waterbeach Parish Council when co-option is under consideration.

3. Application Process To Be Followed

3.1 If any of the situations described in section 2 occur, the Council will decide whether or not to advertise a vacancy taking into account the factors at section 2.3.

3.2 If the decision is taken to advertise, then on instruction from the Council:

- a) The Parish Clerk will announce the vacancy or vacancies to be filled by co-option within 21 days of receipt of the written notification by means of displaying a notice on the Council notice board and website.
- b) The Co-option Notice will include the closing date of requests for consideration (between 14 and 30 days after the date of the display) and the number of vacancies.
- c) The Co-option Notice will also be displayed in other locations if instructed by the Council.
- d) The Parish Clerk will advise the council when the Co-option process has been instigated by notifying all councillors.

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

3.4 Applicants are recommended to read the publication, "The Good Councillor Guide" which explains more about the role and the responsibilities of councillors – copies are available on request. Any questions should be referred to the Parish Clerk, on e-mail - council@waterbeach.org.uk or by phone [01223 441338](tel:01223441338)

3.5 Applications will be considered at the next available full Council meeting¹. To ensure that applications are included on the agenda they should be sent to the Parish Clerk at least 7 working days before the meeting.

4. Application Process

4.1 Applicants should supply a written application setting out their skills and experience.

4.2 Applicants will be invited to attend the next full Parish Council meeting at which their application will be considered. The Parish Clerk will provide applicants with an agenda for the meeting. At the meeting, applicants will be given the opportunity to speak for a maximum of 7 minutes to introduce themselves and explain why they wish to join the council.

4.3 Co-option will be decided by a ballot of the members, even if there is only one applicant for a vacancy. Councillors shall vote by secret ballot.

4.4 Voting will be according to the statutory requirements, in that, a successful candidate must have received an absolute majority vote of those present and voting. For the purposes of the co-option procedures, an absolute majority is defined as a candidate receiving more than half (50%) of the total votes cast and disregarding abstentions. In practical terms, this occurs when a candidate receives at

¹ Council meetings may be virtual in the Period up to May 2021: (The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020)

least 50% of the total votes cast + 1 vote. See Annex below for further details on how the procedure is to be used if a situation arises where one round of voting does not produce a conclusive result. In the case of an equality of votes, the Chairman of the meeting has a second or casting vote.

4.5 On successful co-option, an individual will be invited to sign a Declaration of Acceptance of Office which completes the process for joining the council. Within 28 days of co- they are also required to complete a Register of Disclosable Pecuniary Interests which will be provided by the Parish Clerk.

4.6 Applicants found to be offering inducements of any kind, at any stage in the co- option process, will be disqualified.

4.7 A vacancy may remain unfilled if no applications are elected. The vacancy will not be automatically kept open and the Council will need to decide if it should be re-advertised.

4.8 Unsuccessful applicants can request that their details be kept on file for up to 6 months should any new vacancies be advertised. There is no automatic right for applications to be considered unless the Council has decided that a vacancy should be advertised in the future, but applicants may reapply for future vacancies.

Signed by Chair to Waterbeach Parish Council

Date of Parish Council Meeting:

WATERBEACH PARISH COUNCIL

Annex - Voting Procedures and Examples

1. Voting Procedures:

- a) Councillors shall vote by secret ballot.
- b) Voting will be according to the statutory requirements, in that an absolute majority vote procedure, will be used to select a successful candidate.
- c) If there are more than two (2) candidates for a vacancy and no single candidate receives the required absolute majority in the first round of voting, the candidate with the least number of votes will then be removed and will not take part in any further voting rounds for the vacancy.
- d) A further round of voting will then take place, with the process being repeated, if necessary, until a candidate receives the required majority votes.
- e) In the case of an equality of votes, the Chairman of the meeting has a second or casting vote.
- f) In instances where there are more than two (2) candidates and an equality of votes situation may occur, the Council may consider it necessary to temporarily use a relative majority voting procedure, in order that the Chairman will have a second casting vote to resolve a voting equality deadlock at an intermediate stage of the voting procedures.
- g) The Chairman of the meeting will announce the name of the successful candidate for the casual vacancy.

More than one casual vacancy

- h) In circumstances where a number of casual vacancies occur simultaneously, then the selection and voting procedures for each of these co-option vacancies will be considered individually, i.e. one-at-a-time and the voting procedures for each casual vacancy shall be used, as detailed above.
- i) For a multiple casual vacancy situation where, during the voting processes for the first councillor vacancy, certain of the candidates may have been removed from the ballot/voting process (for having received the least votes), these candidates' names will be included within the list of candidates for the other casual vacancies under consideration at that time.

2. Examples Of Possible Voting Scenarios

2.1 Scenario A

Four (4) candidates are applying for a casual vacancy, nine (9) councillors are present and participating in the vote.

Voting Round 1

Candidate 1	2 Votes
Candidate 2	3 Votes
Candidate 3	3 Votes
Candidate 4	1 Vote

No one candidate has received a majority vote, i.e. a majority vote would be considered to be a candidate receiving at least five (5) votes of the total votes cast. Therefore the candidate with the least number of votes, Candidate 4, is removed. A new round of voting now takes place with the three remaining candidates.

Voting Round 2

Candidate 1 2 Votes
Candidate 2 4 Votes
Candidate 3 3 Votes

Once again, no one candidate has received an absolute majority; therefore Candidate 1 who has the least votes is removed. The third round of voting now takes place with the two remaining candidates.

Voting Round 3

Candidate 2 6 Votes
Candidate 3 3 Votes

Candidate 2 receives a clear majority, six (6) votes and therefore he/she may be offered the councillor vacancy.

2.2 Scenario B

Four (4) candidates are applying for a casual vacancy and nine (9) councillors are present and participating in the vote. However, this example considers a somewhat more complex situation, involving equality of voting for various candidates.

Voting Round 1

Candidate 1 3 Votes
Candidate 2 2 Votes
Candidate 3 2 Votes
Candidate 4 2 Votes

Candidate 1 cannot be given the position as he/she has not received an absolute majority vote. However due to the equality of votes received by all of the other candidates, a relative majority procedure will be applied and Candidate 1 will now go through to Round 2 of the voting procedure. As the other candidates each received equal votes (2 votes each), a separate vote (Round 1a) must now be taken for these three remaining candidates (2, 3 and 4) to decide which candidate will be removed.

Separate Voting Round (1a)

Candidate 2 3 Vote
Candidate 3 3 Votes
Candidate 4 3 Votes

Each candidate has (again) received an equal number of votes; therefore, the Chairman of the meeting now has a casting vote. If the Chairman gives the casting vote to Candidate 3, then Candidate 3 goes forward to Round 2 and joins Candidate 1. Another voting round is now taken – returning to the absolute majority procedure - in order to select the third candidate to go forward to Round 2.

Separate Voting Round (1b)

Candidate 2 5 Votes
Candidate 4 4 Votes

This result provides a clear majority to Candidate 2 and Candidate 4 is removed. Candidate 2 then joins Candidates 1 and 3 for the next round of voting (Round 2).

Voting Round 2

Candidate 1	5 Votes
Candidate 2	4 Votes
Candidate 3	0 Votes

Candidate 1 now receives a clear majority of votes; therefore, further voting is not required and Candidate 1 may be offered the Councillor vacancy.

Scenario B has assumed a somewhat complex situation, which may not occur on a regular basis, but has been included to demonstrate the procedures to be used, should such a scenario/situation arise.

2.3 Scenario C

In this scenario, there is more than one casual vacancy arising within the Parish Council, simultaneously. In this situation, and taking Scenario 1 as the example; having successfully selected Candidate 2 for the first casual vacancy, the three remaining candidates – Candidates 1, 3 and 4) - will again come forward to be considered for selection for any further casual vacancy that may also exist at that time. The voting procedures for any other casual vacancies will also follow the agreed voting procedures.