



ASHURST WOOD VILLAGE COUNCIL

Co-option of Councillors

Vacancies may occur following an election in which there were insufficient candidates, or during the term of the Council due to resignation, disqualification or death of an existing Councillor. The latter are known as 'casual vacancies' which must be notified to the local community. If a request for a by-election has not been received following the announcement of a casual vacancy, the Council must endeavor to fill the vacancy by co-option.

Qualifying criteria

Unless disqualified, under s.79, Local Government Act 1972 a person is qualified to be elected (or co-opted) to a council if they are a qualifying British, Commonwealth or EU citizen, are 18 years of age or over and:

- they are and will continue to be an elector for the parish; **or**
- during the whole of the previous 12 months they have occupied as owner/tenant any land or other premises in that area; **or**
- their principal or only place of work during that 12 months has been in that area; **or**
- they have resided in, or within three miles of the parish for the past 12 months

Disqualification

Under s.80 of the 1972 Act, a person is disqualified from being a Parish Councillor if they:

- hold any paid office or employment with the Parish Council; **or**
- are the subject of a bankruptcy restrictions order, an interim restrictions order, a debt relief restrictions order, or interim order; **or**
- have 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**
- have been disqualified under any enactment relating to corrupt or illegal electoral practices

Applications

Candidates are asked to submit the attached form which enables them to confirm that they meet the qualifying criteria and are not disqualified, as well as to provide some basic information to help the Council reach a decision about whether to co-opt them or which candidate(s) to co-opt in the event of there being more applications than vacant seats.

At the meeting

When applications have been received, the co-option will be placed on the agenda of a suitable meeting of the Village Council.

The selection will be an open, fair process with the public present, including candidates unless they choose to leave. Each candidate will be given an opportunity to briefly address the Council should they wish. All valid applications will be considered, including those of candidates not present.

If the number of candidates is equal to the number of vacancies, the vacancies may be filled by a single resolution. Where there are more candidates than vacant seats, each vacancy will be filled by a separate vote.

In cases of more than one vacancy, each will be dealt with separately. Members will be asked to vote for their preferred candidate. An absolute majority is required and if there are more than two candidates, the process in Standing Order 11 will be followed.

Once the process has been completed, the Council then co-opts the candidate(s) to the Council with a formal resolution. The successful candidate(s) take office immediately and can take part in the remainder of the meeting should they wish to do so. New Councillors must make a Declaration of Acceptance of Office and, where possible, this will be dealt with at that meeting, but the law only requires it to be made at/before the next meeting (or a later meeting agreed by the Council).

The Council is not obliged to select anyone from the candidates who apply for co-option. A vacancy will not be filled if the majority of Councillors vote against a candidate.

All Councillors are required under the Localism Act 2011 to complete a Notification of Disclosable Pecuniary and Other Interests form within 28 days of taking office. The Clerk to the Council will forward this to the Monitoring Officer of Mid Sussex District Council. Councillors must adhere to the Council's Code of Conduct.