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ILLOGAN PARISH COUNCIL

Co-Option Protocol

PROCESS FOR ADVERTISING A COUNCIL VACANCY

A vacancy on Illogan Parish Council must first be advertised by Cornwall Council offering the public the opportunity to fill the vacancy by a bye-election. At least ten members of the public must demand a poll to require the vacancy to be filled by a bye-election.

If there is no demand for a bye-election, Illogan Parish Council will be notified by the Electoral Officer of Cornwall Council that there were not enough requests asking that an election be held and that it is necessary for Illogan Parish Council to fill the vacancies as soon as practicable, by co-option, as provided for by Rule 8 of the Local Elections (Parishes and Communities) Rules 1986.

The Advertising Process is:

1. The Clerk will notify the Electoral Officer of Cornwall Council of the resignation or disqualification of a Councillor. The Electoral Officer will issue the notice of the vacancy which will be in the form of posters for public display in the Parish.
2. The Clerk signs and dates copies of the notice of the vacancy and displays them in public places around the Parish including the Parish Council notice boards, Council Office and Council website.
3. The Clerk returns a signed and dated copy of the notice of the vacancy to Cornwall Council giving details of the date on which the advertisement was first displayed.
4. Members of the Parish have fourteen working days to request a bye-election.
5. At the end of the period, Cornwall Council will notify the Clerk as to whether a bye-election has been demanded or whether Illogan Parish Council are required to fill the vacancy by co-option.

If a bye-election has been demanded, Cornwall Council will handle the process, issuing the appropriate notices and forms for nominations; they will also organise the polling station etc. and run the bye-election as per the normal four yearly elections. The cost of the bye-election will be borne by Illogan Parish Council.

FILLING THE VACANCY BY CO-OPTION – ADVERTISING THE VACANCY

1. As soon as is practicable after the notice is received from Cornwall Council, the Clerk will advertise the vacancy for co-option as widely as possible and to include the Council notice boards, in the Council Office and on the Council's website. A copy of the advertisement to be displayed is attached to this protocol as appendix A.
2. The Clerk will report to the Council to keep them informed and aware of the date of the meeting where the co-option will take place.
3. Applicants will submit a letter confirming that they wish to stand for co-option to the Clerk. The Clerk will acknowledge all letters of application and will invite applicants to attend the Council meeting where the co-option will take place, sending them copies of the Co-Option Protocol, agenda and papers for the meeting.

PROCEDURE AT THE COUNCIL MEETING

The qualifications for being a Councillor are clearly defined in the Local Government Act 1972. Provided that a candidate meets these requirements the Council will consider any application on its merits. If there is only one candidate for the vacancy and they meet the electoral requirements, the Council will endeavour to put aside any personal issues in filling the casual vacancy.

1. The co-option to fill the vacancy must be on the agenda for the Council meeting.
2. The co-option process will normally be the last of the items on the agenda.
3. The press and the public will be excluded from the meeting.
4. Each applicant will enter the meeting individually and will be 'interviewed' by members of the Council.
5. The press and the public will re-enter the meeting.
6. The Council will propose, second and vote on each applicant to fill the number of vacancies on the Council. If there is more than one vacancy and the number of candidates equals the number of vacancies, all vacancies can be filled by a composite vote. If the number of candidates is more than the number of vacancies, each vacancy must be filled by a separate series of votes.
7. The vote can either be an open vote or a written ballot. An open vote will be completed by a show of hands either for or against the proposal. In a written ballot the Clerk will give each member a piece of paper with their name written on it and then the member votes for their preferred candidate; the Clerk will then count the ballots and advise the result not the individual votes.

8. To be co-opted, a candidate needs to receive an overall majority. If there are three or more candidates the ballot will be repeated, losing the candidate who receives the lowest number of votes until there is a clear majority. If the result is tied, the process will be repeated at least once more before the Chairman exercises his casting vote.

DECLARATION OF ACCEPTANCE OF OFFICE

Once co-opted, a new Councillor must complete their declaration of acceptance of office before they can participate at any Council meetings, or meetings of any Committees, Sub Committees or Working Groups.

The Clerk will arrange for all new Councillors to complete their declaration of acceptance of office, register of interests and any other appropriate paperwork. New Councillors will also be given an induction pack and copies of all of the Council's policies and protocols.

The Clerk will notify the Electoral Officer of Cornwall Council of the details of the co-opted member(s) and will send a copy of their declaration of acceptance of office and register of interests.

Review Date	Reviewed By	Amendments	Minute Number
26.04.17	Governance Review Committee	None	GR17/04/21.2
25.04.18	Governance Review Committee	None	GR18/04/21.2
24.04.19	Governance Review Committee	None	GR19/04/23.2

Appendix A

ILLOGAN PARISH COUNCIL

[insert number of vacancies] Casual Vacancy/ies – [insert ward] Ward

[insert number] vacancies on Illogan Parish Council have arisen due to the resignation of Cllr [insert name(s)].

The period of time allowed for electors to request an election has now passed without the appropriate number of requests received. Therefore, in accordance with Rule 8 of the Local Elections (Parish and Communities) Rules 1986, the Parish Council must now co-opt suitably qualified persons to serve as Councillors for the aforementioned Ward.

Any person wishing to be considered for co-option should in the first instance, apply in writing to the Parish Clerk & Proper Officer of Illogan Parish Council at the address above, stating their interest, eligibility criteria (see below) and the reasons why they believe they should be considered for the vacancies.

Cornwall Council has advised that there has been insufficient demand for an election and the Council now intends to fill the vacancy by co-option at its meeting to be held on [insert date].

Persons eligible for consideration must be aged 18 years or over, and:

- a. is and thereafter continues to be a local government elector for the Parish of Illogan; OR
- b. has during the whole of the twelve months preceding, occupied as owner or tenant, any land or other premises in the Parish of Illogan; OR
- c. your only place of work during the last twelve months has been in the Parish of Illogan; OR
- d. you have during the last twelve months resided in the Parish of Illogan; OR
- e. you have during the last twelve months resided within three miles of the Parish of Illogan.

You are ineligible to stand as a councillor if you have received, during the last five years either been given a prison sentence of three or more months (including suspended) or have been declared bankrupt.

The closing date for the receipt of applications is [insert day and date].

Given under my hand and dated this [insert date].

[insert name of Clerk and Proper Office]
Parish Clerk and Proper Officer