

# Etwall Parish Council

## Co-option Policy

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## **1 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 the Parish Council. The co-option procedure is entirely managed by the Parish Council and this policy will ensure that a fair and equitable process is carried out.
- 1.2 Whenever the need for co-option arises, Etwall Parish Council will seek and encourage applications from anyone in the Parish who is eligible to stand as Parish Councillor. Councillors or parishioners can legally approach individuals to suggest that they might wish to consider putting their names forward for co-option.
- 1.3 The Parish Council will advertise the vacancies in the local area via the Parish Council noticeboards, and the Parish Council website.
- 1.4 The advertisement to co-opt will include:
- The method by which applications can be made;
  - The closing date for all applications;
  - A contact point to obtain more information;
  - Show that further information is available electronically via the website.
- 1.5 The co-option policy will be reviewed every 4 years.

## **2 CO-OPTION (Stage 1)**

- 2.1 The co-option of a Parish Councillor occurs when a casual vacancy has arisen on the Council and no poll (by-election) has been called. 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; or
  - A councillor fails for six (6) months to attend meetings of a council committee or subcommittee or to attend as a representative of the Council a meeting of an outside body.
- 2.2 The Parish Council must notify South Derbyshire District Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten (10) electors write to South Derbyshire District Council stating that an election is requested.
- 2.3 If a by-election is called, a polling station will be set up by South Derbyshire District Council and the people of Etwall will be asked to go to the polls to vote for those candidates who have put themselves forward by way of a nomination paper. The Parish Council will pay the costs of the election. The people of Etwall parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Officer will advise the Clerk of the closing date.
- 2.4 If more than one candidate is then nominated a by-election takes place but if only one candidate is put forward they are duly elected without a ballot.
- 2.5 If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advised by South Derbyshire District Council, the Parish Council is able to co-opt a volunteer.
- 2.6 On receipt, of written confirmation, from South Derbyshire District Council Electoral Services, the casual vacancy can be filled by means of co-option. The Parish Clerk will:

- Advertise the vacancy on the Council notice boards and website'
- Advise the council that the co-option policy has been instigated.

### **3 CO-OPTION (Stage 2)**

3.1 Insufficiency of candidates at an ordinary election also provide the Parish Council with authority to exercise its rights to co-opt any person or persons to fill any vacancies within 35 days following the date of said ordinary election.

### **4 ELIGIBILITY OF CANDIDATES**

4.1 The Parish Council can consider any person to fill a vacancy provided that:

- he/she is an elector for the parish; or
- has resided in the parish for the past twelve months or rented/tenanted land in the parish; or
- had his/her principal place of work in the parish; or
- has lived within three miles (direct) of the parish.

4.2 There are certain disqualifications for election, of which the main are (Local Government Act 1972):

- holding a paid office under the local authority;
- 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 five years preceding the election; and
- being disqualified under any enactment relating to corrupt or illegal practices.

4.3 Eligibility of the candidate(s) will be confirmed by the Clerk.

4.4 All eligible candidates shall be invited, by letter, to attend the next full Parish Council meeting following the application deadline. If candidates are unable to attend, this meeting will not be rearranged.

### **5 APPLICATIONS**

5.1 To assist candidates, **Appendix A** provides a guide of those criteria that the Parish Council would expect from Parish Councillors. This is not an exhaustive list but provides candidates with guidance on areas they may wish to include in their application forms.

5.2 Candidates will be requested to:

- Confirm their eligibility for the position of Councillor within the statutory rules, (a copy of the Eligibility Form is attached at **Appendix B**).
- Submit information about themselves, by way of completing a short application form (a copy of the application form is attached at **Appendix C**).

5.2 Following receipt of applications, the next suitable 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'.

- 5.3 **Copies of the candidates' applications will be circulated to all Councillors by the Clerk at least 3** clear days prior to the meeting of the full Council, when the co-option will be considered. If 3 days is not practicable, due to the timetable laid down by South Derbyshire District Council for co-opting, information will be circulated to allow sufficient time for Councillors to consider all applications. All such documents will be treated by the Clerk and all Councillors as ***Strictly Private and Confidential***.

## **6 AT THE CO-OPTION MEETING**

- 6.1 At the co-option meeting, candidates will have five minutes to introduce themselves to members, give information on their background and experience and explain why they wish to become a member of the Parish Council;
- 6.2 After presentations, members may ask candidates a few questions before proceeding to vote. (If a candidate is unable to attend the meeting, this process will still take place and voting will subsequently be based on this meeting **and** the application form)
- 6.3 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.
- 6.4 However, where the Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Council should resolve to exclude the members of the press and public.
- 6.5 If a candidate is a relative of a Councillor, that Councillor should declare a prejudicial interest and withdraw from the meeting.
- 6.6 As soon as all candidates have finished giving their submissions, the council will proceed to a vote with each candidate being proposed and seconded by the councillors in attendance (as defined in the Standing Orders) and a vote by a show of hands (LGA 1972 Sch. 12. Para 39). A recorded vote may be requested under Standing Order 3 to show whether each Councillor present and voting, gave his/her vote for or against a candidate.
- 6.7 In order for a candidate to be elected to the Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting).
- 6.8 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. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority.
- 6.9 Only Parish Councillors present at the meeting may vote upon a person to fill the vacancy.  
Councillors will have one vote per vacancy to be filled. The Chair has the casting vote.
- 6.10 The Clerk will notify Electoral Services of the new Councillor appointment, initiate 'acceptance of office' paperwork and 'registration of interests' within 28 days of being elected.
- 6.11 If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised.
- 6.12 If there is more than one vacancy and the number of candidates equals the number of vacancies, all the vacancies may be filled by a single composite resolution. However, if the number of candidates exceeds the number of vacancies each vacancy must be filled by a separate vote or series of votes.

6.13 The Council is not obliged to fill all vacancies, however, must take steps to advertise for further co-options or hold an election (where applicable) to fill vacancies.

6.14 Any candidate(s) found to be offering inducements of any kind will be disqualified.

## **7 ELECTED COUNCILLORS (CO-OPTION)**

7.1 Successfully co-opted candidates become Councillors in their own right, with immediate effect, and are no different to any other member.

7.2 Co-opted members will be asked to sign a Declaration of Acceptance of Office to agree to be bound by the Local Government Code of Conduct. They may then take their seat at Council and are then able to be appointed to a committee and/or as a representative to local organisations.

7.3 Any application can be considered in a candidate(s) absence, but if successful, members would need to agree for him/her to sign the Declaration of Office either before or at the next Council meeting.

## **8 APPLYING FOR A CASUAL VACANCY**

8.1 Candidates who are interested in applying for a casual vacancy need not wait until the notice appears (co-option, stage 2) or its time limit expired. Candidates can write to the Parish Council directly expressing their interest in the casual vacancy and request it considers their application when it has authority to co-opt for the vacancy.

**Name of Local Council; Etwall Parish Council**

**Description of Office; Etwall Parish Councillor**

COMPETANCY	ESSENTIAL	DESIRABLE
<b><i>Relevant knowledge, Education, Professional Qualifications &amp; Training</i></b>	Sound knowledge and understanding of local affairs and the local community	
<b><i>Experience, Skills, Knowledge and Ability</i></b>	<p>Sound interest in local matters.</p> <p>Willingness and ability to represent the Council and their community.</p> <p>Good interpersonal skills.</p> <p>Ability to communicate clearly both orally and in writing.</p> <p>Ability and willingness to work closely with other Members and to maintain good working relationships with all Members and staff</p> <p>Good reading and analytical skills.</p> <p>Ability and willingness to work with the Council's partners.</p> <p>Ability and willingness to undertake training.</p> <p>Ability to work under pressure.</p> <p>To have access to a computer, and be IT literate.</p>	<p>Knowledge of HR, procurement, contract management, financial control or risk management and compliance and public relations.</p> <p>Experience of working in another public body, or not for profit organisation.</p> <p>Experience of working with voluntary and /or local community/interest groups.</p> <p>Basic knowledge of legal issues relating to Parish and parish councils or local authorities.</p> <p>Experience of delivering presentations.</p> <p>Experience of working with the media.</p> <p>Experience in financial control/budgeting</p> <p>Experience of staff management.</p>
<b><i>Other requirements</i></b>	<p>Ability and willingness to attend meetings of the Council (or the meetings of other local authorities and local bodies) in the evening, and events in the evening and at weekends.</p> <p>Flexible.</p> <p>Enthusiastic.</p>	

## CO-OPTION ELIGIBILITY FORM

- Are you a British subject, citizen of the Commonwealth or citizen of the European Union? **YES/NO**
- On the 'relevant date' (i.e. the day on which you are nominated or if there is a poll the day of the election) are you 18 years of age or over? **YES/NO**

**PLEASE TICK THOSE BELOW WHICH APPLY TO YOU**

- a) I am registered as a local government elector for the Parish of Etwall; or
- b) I have, during the whole of the twelve months preceding the date of my co-option, occupied as owner or tenant, land or other premises in the Parish of Etwall; or
- c) My principal or only place of work has, during the whole twelve months preceding my co-option, been in the Parish of Etwall; or
- d) I have during the whole of twelve months preceding my co-option lived in the Parish of Etwall or within 3 miles of it.

Under Section 80 of the Local Government Act 1972 a person is **disqualified** from being elected as a Local Councillor or being a member of a Local Council if specific criteria are not met:

- a) Are you an employee of Etwall Parish Council? **YES/NO**
- b) Are you the subject of a bankruptcy restrictions order or interim order? **YES/NO**
- c) Have you within the last five years been convicted of an offence in the UK, Channel Islands or Isle of Man which resulted in a sentence of imprisonment (whether suspended or not) for a period of three months or more without the option of a fine; **YES/NO**
- d) Are you disqualified by order of a court from being a member of a local authority? **YES/NO**

## DECLARATION

I.....hereby confirm that I am eligible for the vacancy of Etwall Parish Councillor, and the information given on this form is a true and accurate record.

Signed: .....

Print: .....

Date: .....

**Etwall PARISH COUNCIL**  
**CO-OPTION APPLICATION FORM**

<b>NAME</b>	
<b>ADDRESS</b>	
<b>TELEPHONE NUMBER</b>	
<b>EMAIL ADDRESS</b>	
<p>Please tell us something about what experience you can bring to Etwall Parish Council, for example; previous local government experience, work in the voluntary or charitable sector, business or trade union experience</p> <p><i>(Please continue on an additional page if required).</i></p>	



**Please tell us something about skills you can bring to the Council, for example; professional qualifications, financial or project management expertise**

***(Please continue on an additional page if required)***

**Please explain why you are interested in becoming a Parish councillor**  
*(Please continue on an additional page if required)*

**Please include any other information you would like to add in support of your application?**  
*(please continue on an additional page if required)*

**Are there any questions you would like to ask the Parish Council?**

**Signed:** .....

**Print:** .....

**Date:** .....