

# NOCTON PARISH COUNCIL

## Councillor Co-option Policy

### 1. Introduction

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Nocton Parish Council (NPC). The Co-option procedure is entirely managed by NPC and this policy will ensure that a fair and equitable process is carried out.

### 2. Co-option

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. (this rule has exemptions set August 2020 due to coronavirus – see latest LALC guidance)

NPC has to notify the District Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten electors write to the District Council stating that an election is requested.

If a by-election is called, a polling station will be set up by the District Council and the people of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. NPC will pay the costs of the election. The people of the 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.

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.

If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advised by the District Council, NPC is able to co-opt a volunteer.

### 3. Confirmation of Co-option

On receipt, of written confirmation, from the Electoral Services Office from the District Council, the casual vacancy can be filled by means of Co-option, the Parish Clerk will:

- Advertise the vacancy for four weeks on the Council notice boards and website
- Advise NPC that the Co-option Policy has been instigated.

NPC is not obliged to fill any vacancy. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.

However, it is not desirable that electors be left partially or full underrepresented 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; equitably; to provide a broad cross-section of skills and interests; or the achieve meeting quorums without difficulty.

Councillors elected by co-option are full members of NPC.

### 4. Eligibility of Candidates

NPC is able to 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 or other premises in the parish; or
- had his/her principal place of work in the parish; or

- has lived within three miles (direct) of the parish.

There are certain disqualification's for election, of which the main are (see 5. 80 of the 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,
- being disqualified under any enactment relating to corrupt or illegal practices,
- Being subject to the notification requirements of the Sexual Offences act 2003 or Sexual Risk Orders.

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

It should be noted that criteria for disqualification are currently under review by central Government and updates will be applied when legislation changes.

## **5. Applications**

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

Although there is no Statutory Requirement to do so, candidates will be requested to:

- Submit information about themselves, by way of completing a short application form (Appendix A)
- Confirm their eligibility for the position of Councillor within the statutory rules (Appendix B).

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'. 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. All such documents will be treated by the Clerk and all Councillors as Strictly Private and Confidential.

Prior to the Co-option Meeting, you may be invited to attend an informal interview where existing councillors will be able to talk with you and decide if they wish to vote for you to become a co-opted councillor at the next available parish council meeting. No decisions will be made at this informal interview meeting.

Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of NPC. Candidates will also be informed that they will be invited to speak about their application at the meeting.

## **6. At the Co-option Meeting**

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to Members, give information on their background and experience and explain why they wish to become a Member of NPC. The process will be carried out by adjourning the meeting to allow the candidate to speak. Where the Council wishes to discuss the merits of candidates and inevitably their personal attributes, this could be prejudicial and the Council will resolve to exclude the members of the press and public.

As soon as all candidates have finished giving their submissions, the council will proceed to a vote on the acceptability of each candidate utilising the 'person specification' criteria set out in Appendix C and any personal statements provided by candidates, with each candidate being proposed and seconded by the councillors in attendance and a vote by a show of hands. The vote will be recorded so as to show whether each Councillor present and voting gave his/her vote for or against that question.

In order for a candidate to be elected to NPC, 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. Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the case of an equality of votes, the Chairman of the meeting has a second or casting vote.

After the votes has been concluded, the Chairman will declare the successful candidate duly elected and after signing

their declaration of acceptance of office, may take their place immediately.

The Clerk will notify Electoral Services of the new Councillor appointment. The successful candidate(s) must complete the 'registration of interests' within 28 days of being elected. The form should be handed to the Clerk for forwarding to the Monitoring Officer. If insufficient candidates come forward for co-option, the process should continue, whereby the vacancies are again advertised.

## Appendix A

<b>Application for Co-option</b>	
<b>Full name and title</b>	
<b>About you</b>	<i>In the box below tell us a little about your background, skills and experience that might be useful if you join the parish council.</i>
<b>Reasons for applying</b>	<i>Please explain here your reasons why you want to be a member of the Town/ Parish Council</i>
<b>Signature</b>	
<b>Date</b>	

Return this form to the Parish Clerk once you have completed it.

[clerk@noctonparishcouncil.gov.uk](mailto:clerk@noctonparishcouncil.gov.uk)

## Appendix B

<b>Eligibility to be a Parish Councillor</b>	
<b>Full name and Title</b>	
Home address	
Home telephone	
Mobile telephone	
Email address	
It is a condition of being a Parish Councillor that your name will be made public via notice boards and the parish council website. You may need to disclose your phone and email address to deal with parish council matters. Do you agree to this? <span style="float: right;">Yes / No</span>	
Are you a British, Commonwealth or other European Union Citizen and not require leave to enter or remain in the United Kingdom or have indefinite leave to remain? <span style="float: right;">Yes / No</span>	
Are you aged over 18? <span style="float: right;">Yes / No</span>	
<i>To qualify you must be able to answer 'Yes' to at least one of the questions below</i>	
a) Are you on the electoral register for Nocton Parish Council?	Yes / No
b) Have you lived either in parish of Nocton or within 3 miles of its boundary, for at least a year?	Yes / No
c) Have you been the owner or tenant of land in Nocton parish for at least a year?	Yes / No
d) Have you had your only or main place of work in parish of Nocton for at least a year?	Yes / No
<i>You must be able to answer 'No' to all the questions below to be eligible to serve as a councillor.</i>	
i) Are you the subject of a bankruptcy restrictions order or interim order?	Yes / No
ii) Have you within the last five years been convicted of an offence in the UK, the Channel Islands or Isle of Man and has been sentenced (whether suspended or not) to imprisonment for three months or more without the option of a fine?	Yes / No
iii) Are you disqualified by order of a court from being a member of a local authority?	Yes / No
iv) Employed by Nocton Parish Council, a joint committee or holds a paid office?	Yes / No
v) Subject to the notification requirements of the Sexual Offences act 2003 or Sexual Risk Orders?	Yes / No
<b>Signature</b>	
<b>Date</b>	

When completed return this form to the Clerk to Nocton Parish Council.

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**APPENDIX C**

**CO-OPTED COUNCILLOR PERSON SPECIFICATION**

<b>COMPETENCY</b>	<b>ESSENTIAL</b>	<b>DESIRABLE</b>
<b>Personal Attributes</b>	<ul style="list-style-type: none"> <li>• Sound knowledge and understanding of local affairs and the local community.</li> <li>• Forward Thinking</li> </ul>	<ul style="list-style-type: none"> <li>• Can bring a new skill, expertise or key local knowledge to the Council.</li> </ul>
<b>Experience, Skills, Knowledge and Ability</b>	<ul style="list-style-type: none"> <li>• Ability to listen constructively</li> <li>• A good team player</li> <li>• Ability to pick up and run with a variety of projects Solid Interest in local matters</li> <li>• Ability and willingness to represent the Council and their community</li> <li>• Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others views and accept majority decisions.</li> <li>• Ability to communicate succinctly and clearly.</li> <li>• Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff.</li> <li>• Ability and willingness to work with the Council's partners (e.g. voluntary groups, other parish Councils, principal authority, charities).</li> <li>• Ability and willingness to undertake induction training and other relevant training.</li> <li>• Willingness to undertake relevant training for any specific area of interest or for taking up a place in a committee or Sub-Committee. (e.g. personnel committee / planning committee)</li> </ul>	<ul style="list-style-type: none"> <li>• Experience of working or being a member in a local authority or other public body</li> <li>• Experience of working with voluntary and or local community / interest groups</li> <li>• Basic knowledge of legal issues relating to town and parish Councils or local authorities</li> <li>• Experience of delivering presentations</li> </ul>
<b>Circumstances</b>	<ul style="list-style-type: none"> <li>• Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) at any time and events in the evening and at weekends.</li> </ul>	