

Pinvin Parish Council

CO-OPTION POLICY & PROCEDURE

This policy was adopted by the Council at its Meeting held on 5th November 2019

Introduction

This policy sets out the procedure to ensure that there is compliance with legislation and continuity of practice in the co-option of members to Pinvin Parish Council.

The co-option process is managed entirely by Pinvin Parish Council and this policy will ensure that an open, fair and transparent process is carried out and that all applicants are treated equitably.

1. Co-Option

- a. The co-option of a Parish Councillor may occur when a casual vacancy has arisen on the Council due to the following reasons:
 - A councillor fails to deliver his declaration of acceptance of office at the proper time;
 - A councillor resigns;
 - A councillor dies;
 - A councillor becomes disqualified or ceases to be qualified; or
 - A councillor fails to attend meetings of a council for six consecutive months.
- c. In the event of a vacancy occurring the Clerk will inform the Elections Office at Wychavon District Council as soon as is practicable, who will then supply the requisite Notice of Vacancy for posting.
- d. Should the requisite 10 electors of the Parish have not called for a by-election within the legally specified time period (currently 14 days, not counting a Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday or a Bank Holiday) following the publication of the Notice of Vacancy, the Parish Clerk is notified that the vacancy may be filled by co-option.
- e. The Parish Council is not obliged to co-opt 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 of the Parish be left partially or fully unrepresented for a significant length of time. Neither does it contribute to the effective and efficient working of the Parish Council if there are insufficient Councillors to share the workload equitably, provide a broad cross-section of skills and interests, or to achieve meeting quorums without difficulty.
- f. The vacancy will remain an agenda item until filled.

2. Notification Process

- a. On receipt of notification from Wychavon District Council that a casual vacancy can be filled by means of co-option, the Clerk will:
 - Notify the Council that the Co-Option Policy has been instigated
 - Place a notice announcing the vacancy to be filled by co-option and asking for expressions of interest.
- b. The notice will include:-
 - A contact point so that people considering putting their names forward can obtain more information on the role of a Parish Councillor

- Contact details to whom expressions of interest should be made – the Clerk, via email or hard copy
 - The closing date for all expressions of interest.
- c. Pinvin Parish Council Members may seek and encourage applications from anyone who is eligible to stand as a Parish Councillor. Councillors and parishioners can legally approach individuals to suggest they might wish to consider putting their names forward for cooption and encouraging them to register their expression of interest.

3. Eligibility of Candidates

- a. Pinvin Parish Council can consider any person to fill a vacancy provided that:
- He/she is registered as an elector for the parish; or
 - has resided or rented/tenanted land in the parish for the past twelve months; or
 - had his/her principal place of work in the parish for the past twelve months; or
 - has lived within three miles of the parish for the past twelve months.
- b. There are certain disqualifications for election, of which the main are:
- holding a paid office or employment to which he has been appointed by the Council;
 - 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 co-option; and
 - being disqualified under any enactment relating to corrupt or illegal practices.
- d. Candidates found to be offering inducements or undue pressure of any kind will be disqualified.

4. Application Process

- a. Once expressions of interest have been received, candidates will be asked 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).
- b. The Clerk will review completed forms to ensure that the individual(s) meet the qualification requirements.
- c. Applications will be considered at the next suitable full meeting of the Parish Council, or at an extraordinary meeting should the next scheduled meeting not be within a practicable time period following receipt of applications.
- d. Notice of the intention to receive written applications for the office of Parish councillor and to co-opt a candidate to fill the existing vacancy will be given in the agenda for the meeting.
- e. Completed candidate forms will be circulated to Parish Councillors at least seven days prior to the meeting where the co-option will be considered. All such documents will be treated by the Clerk and Councillors as strictly Private and Confidential.
- f. Candidates will be informed of the date of the meeting at which the Parish Council will make its decision on the co-option. They will be provided with the full agenda of the meeting, together with the Code of Conduct and Pinvin Parish Council Standing Orders.

5. Selection Process

- a. Candidates may be invited to the meeting to introduce themselves, give information on their background and experience and explain why they wish to become a Member of Pinvin Parish Council, and provide Councillors the opportunity to ask questions of them. The process will be carried out by adjourning the meeting to allow the candidate to speak.

- b. Alternatively, the Council may decide to rely on the written submissions alone. If candidates are not invited to speak at the co-option meeting, they are welcome to (but are not required to) attend as members of the public.
- c. Where the Council wishes to discuss each candidate's suitability for the role, the Council will do so without candidates and members of the public present.
- d. Once all candidates have given their submissions, the Council will proceed to a vote.
- e. Only Councillors present at the meeting may vote upon a person to fill the vacancy. Councillors will have one vote per vacancy to be filled.
- f. If a candidate is a relative of a Councillor or has connections with any candidate which may be perceived as prejudicial, that Councillor should declare an interest and withdraw from the meeting. Under any of these circumstances a vote by the Councillor concerned is not allowed.
- g. The Parish Council will appoint co-opted members by voting according to Standing Orders.
- h. If there are exactly as many as, or fewer candidates than vacancies, the Parish Council may vote on a composite motion, duly proposed and seconded, that all candidates be co-opted. If there are more candidates than vacancies, it will be necessary for existing Councillors present at the meeting to vote.
- i. Voting will be by a show of hands, unless a Councillor requests a secret ballot or the Chairman directs that one will take place.
- j. In order for a candidate to be elected it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting).
- k. If there are more than two candidates for one vacancy and none of them at the first count has an overall majority, the candidate with the fewest votes should be eliminated and the remainder put to the vote again. The process should be repeated as necessary until one candidate has an overall majority.
- l. Each vacancy should be filled by a separate vote or series of votes. In a small council there is a distinct possibility that there could be a tie for last place in the first round of voting, leaving the candidate for elimination to be decided by lots.
- m. The Chairman has the casting vote.
- n. After the voting has been concluded, the Chairman will declare the successful candidate duly elected.

6. Election

- a. Successfully co-opted candidates become full Members of the Parish Council in their own right, with immediate effect, and are no different to any other member.
- b. As such, they must sign the Declaration of Acceptance of Office and Registration of Interests Form at their first meeting, or within 28 calendar days of election whichever is the sooner. The successful candidate(s) will also confirm that they will comply with and abide by Pinvin Parish Council's Code of Conduct.
- c. The Clerk will notify Electoral Services of the new Councillor appointment.
- d. The successful candidate's term of office runs until the next quadrennial elections for the Parish Council.

NOTES:

This document is based upon a study of legislation, guidelines and practices of other Local Councils. It is intended as a summary of the most relevant points of procedure and legislation, rather than a definitive exposition.

Unless specified otherwise, periods of days given in this document refer to working days in that they exclude weekends and public holidays.

Legislation covering casual vacancies can be found at The Local Elections (Parishes and Communities) (England and Wales) Rules 2006: <http://www.legislation.gov.uk/ukxi/2006/3305/article/5/made?view+plain>

APPENDIX A
COUNCILLOR CO-OPTION APPLICATION FORM

PERSONAL DETAILS

Name:

Address:

Telephone Number:

Email address:

Are you 18 or over?

YES

NO

Please provide the Council with some background information about yourself.

Please tell us why you wish to become a Parish Councillor.

Please detail any experience you have that may be relevant.

Is there anything else that you would like to tell us?

If necessary, please continue your answer to any question on a separate sheet of paper.

DECLARATION
Signed
Name
Date

Please return this completed form, together with the completed Co-option Eligibility Form to:

Pinvin Parish Council, 1a Church Walk, Areley Kings, Stourport on Severn, Worcestershire DY13 0AL
Email: clerk@pinvin.org.uk

Forms must be returned no later than 12 noon on Friday 03 January 2020

Data Protection 1998

The information provided on this application form will remain private and confidential and will only be used for the purpose of considering an application to become a Parish Councillor.

APPENDIX B COUNCILLOR CO-OPTION ELIGIBILITY FORM

ELIGIBILITY

In order to be eligible for co-option as a Pinvin Parish Councillor you must be a British subject, or a citizen of the Commonwealth or the European Union; and on the 'relevant date' (i.e. the day on which you are nominated or if there is a poll the day of the election) be 18 years of age or over; and additionally able to meet one or more of the following qualifications set out below.

- I am registered as a local government elector for the parish; or
- 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; or
- My principal or only place of work during those twelve months has been in the parish; or
- I have during the whole of twelve months resided in the parish or within 3 miles of it.

Please tick all of the above that apply to you

DISQUALIFICATION

Please note that 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. Please indicate YES or NO by striking out the one that does not apply to the following questions:

- | | |
|---|--------|
| a) Do you hold any paid office or employment for Pinvin Parish Council? | YES/NO |
| b) Are you the subject of a bankruptcy restrictions or debt relief restrictions order, or an interim order? | YES/NO |
| c) Have you within five years been convicted in the UK, Channel Islands or Isle of Man of any offence and been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine? | YES/NO |
| d) Are you otherwise disqualified under Part III of the representation of the People Act 1983 for corrupt or illegal practices, or responsible for incurring unlawful expenditure and the court has ordered you disqualification? | YES/NO |

DECLARATION

I (insert name)

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

SIGNATURE

NAME

DATE

APPENDIX C COUNCILLOR CO-OPTION PERSON SPECIFICATION

COMPETENCY	ESSENTIAL	DESIRABLE
<i>Relevant knowledge, Education, Professional Qualifications & Training</i>	<ul style="list-style-type: none"> • Sound knowledge and understanding of local affairs and the local community. 	
<i>Experience, Skills, Knowledge and Ability</i>	<ul style="list-style-type: none"> • Solid interest in local matters. • Ability and willingness to represent the Council and their community. • Good interpersonal skills. • Ability to communicate clearly both orally and in writing. • Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff. • Good reading and analytic skills. • Ability and willingness to work with the council's partners (e.g. voluntary groups, other parish councils, principal authority, charities). • Ability and willingness to undertake relevant training. • Ability to work under pressure. 	<ul style="list-style-type: none"> • Knowledge of HR, procurement, contract management, financial control or risk management and compliance, public relations. • Experience of working in another public body or not for profit organisation. • experience of working with voluntary and or local community/ interest groups. • Basic knowledge of legal issues relating to town and parish councils or local authorities. • experience of delivering presentations. • Experience of working with the media. • Experience in financial control/budgeting • Experience of staff management
<i>Other requirements</i>	<ul style="list-style-type: none"> • 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. • Flexible • Enthusiastic 	