

# GREAT WALTHAM PARISH COUNCIL

## Councillor Co-option Policy

Version 3

*This policy document should be reviewed as necessary.*

Version	Review Date	Reviewed By	Summary of Changes
1	September 2016		Adopted 22 <sup>nd</sup> September 2016
2	December 2021	S. Gilbert	Format change, typographical error corrections and removal of reference to limit on a candidate's speaking time in s.6, para. 1.
3	March 2022	S. Gilbert	In s.2, the circumstances when co-option can occur is updated from the NALC guidance document. In s.5&6, the co-option process is changed from requiring candidates to appear before the full council to one managed by the Chair and Vice Chair (although final approval remains with the full council).

## 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 Great Waltham Parish Council ("GWPC"). The co-option procedure is entirely managed by GWPC 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) There have been insufficient candidates to fill all of the available seats at an election;
- b) a casual vacancy has arisen on the Council between elections, and there is no demand to hold a by-election. 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.

GWPC has to notify the City 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 City Council stating that an election is requested.

If a by-election is called, a polling station will be set up by the City 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. GWPC 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 City Council, GWPC is able to co-opt a volunteer.

## 3. Confirmation of Co-option

On receipt, of written confirmation, from the Electoral Services Office from the City 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 GWPC that the Co-option Policy has been instigated.

GWPC 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 in a particular ward 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 GWPC.

#### **4. Eligibility of Candidates**

GWPC 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 disqualifications for election, of which the main are (see s.80 of the Local Government Act 1972<sup>1</sup>):

- 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.

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

#### **5. Applications and Interview Process**

Members of the Parish Council 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); and
- Confirm their eligibility for the position of Councillor within the statutory rules (Appendix B).

The Chair and Vice Chair of the Parish Council will manage the co-option process, select and interview suitable candidates and, at a full council meeting, make recommendations for co-option.

Following receipt, copies of the candidates' applications will be forwarded to the Chair and Vice Chair by the Clerk and arrangements made to interview any suitable candidates. All such documents will be treated by the Clerk and all Councillors as strictly private and confidential.

Suitable candidates will be contacted to set a mutually convenient time/date for an interview. Before the interview the Clerk will provide the interviewee with a copy of the Code of Conduct, Standing Orders and Financial Regulations of GWPC.

---

<sup>1</sup> See <https://www.legislation.gov.uk/ukpga/1972/70/contents>

At the co-option interview, candidates will be asked to introduce themselves, give information on their background and experience, explain why they wish to become a member of GWPC, and answer other relevant questions relating to their application.

A recommendation for co-option by the Chair and Vice Chair will be based on an assessment of the candidate using the 'person specification' criteria set out in Appendix C and any personal statements provided by the candidate.

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

At the next full council meeting, taking account of the recommendations of the Chair and Vice Chair, each recommended candidate must be proposed and seconded by the councillors in attendance and a vote by a show of hands will be required for approval. The vote will be recorded so as to show whether each Councillor present and voting gave his/her vote for or against.

In order for a recommended candidate to be elected to GWPC, 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 recommended candidates and there is no candidate with an overall majority in the first round of voting the recommended 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 Chair of the meeting has a second casting vote.

After the votes has been concluded, the Chair will declare the successful candidate duly elected and after signing their declaration of acceptance of office in front of the Clerk who will counter sign the document, may take their seat 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 to sign 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

# GREAT WALTHAM PARISH COUNCIL

## Application for Co-option

Thank you for your interest in becoming a parish councillor. Please provide the below information to assist the council in making their decision.

<b>Full Name &amp; Title</b>	
<b>Home Address</b>	
<b>Home Telephone</b>	
<b>Mobile Telephone</b>	
<b>Email Address</b>	
<b>Which ward are you applying for?</b>	Church End/Ford End

<b>About You</b> Please provide the Council with some background information about yourself

<b>Reasons for applying</b>
Please provide the Council with your reasons for wanting to become a parish councillor

<b>Signature</b>

Your application also requires signatures of 2 registered electors (known as a proposer and seconder) from the parish area:

	<b>Proposer</b>	<b>Secunder</b>
<b>Name</b>		
<b>Address</b>		
<b>Signature</b>		

Please return your completed application to the Clerk to the Council. Your application will be considered in accordance with the council's co-option policy. If your application is accepted you will be asked to attend an interview. If you are then recommended for co-option to the council, at the next available meeting of the council, a vote will be held to decide whether the council agrees to co-opt you into Great Waltham Parish Council.

Data Protection Act: The information provided on this application will remain private and Confidential.

APPENDIX B

Co-option Eligibility Form

1. In order to be eligible for co-option as a Great Waltham 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) 18 years of age or over; and additionally able to meet one of the following qualifications set out below. Please tick which applies to you:

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

2. 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 he/she:

- a) Holds any paid office or employment of the local council (other than the office of Chairman) or of a joint committee on which the Council is represented; or
- b) Is a person who has been adjudged bankrupt or has made a composition or arrangement with his/her creditors (but see below); or
- c) Has within five years before the day of election, or since his/her election, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine; or
- d) Is otherwise disqualified under Part III of the Representation of the People Act 1983 for corrupt or illegal practices.

This disqualification for bankruptcy ceases in the following circumstances:

- i. If the bankruptcy is annulled on the grounds that either the person ought not to have been adjudged bankrupt or that his/her debts have been fully discharged;
- ii. If the person is discharged with a certificate that the bankruptcy was caused by misfortune without misconduct on his/her part;
- iii. If the person is discharged without such a certificate.

In i and ii above, the disqualification ceases on the date of the annulment and discharge respectively. In iii, it ceases on the expiry of five years from the date of discharge.

DECLARATION

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

Signature.....

Date.....

Great Waltham Parish Council is duty bound to treat this information as strictly confidential.

APPENDIX C

Co-opted Councillor Person Specification

COMPETENCY	ESSENTIAL	DESIRABLE
Personal Attributes	<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>
Experience, Skills, Knowledge and Ability	<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.</li> <li>• 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> </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>
Circumstances	<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>	