

Ettington Parish Council

Co-option Policy

Date Adopted: 12 August 2020

Due for review: Annually in May (unless legislative changes require earlier review)

1. Introduction

- 1.1 Statutory Instrument 2006 No 3302 Rule 5 (5) and (6) permits the Cooption of Councillors and NALC's Legal Briefing LTN 8 Elections and Cooption provides guidance. This Policy has been drafted with reference to these and policies of other Parish Councils.
- 1.2 The cooption process is entirely managed by Ettington Parish Council and this policy will ensure that a fair and equitable process is undertaken.
- 1.3 Of paramount importance is that all applicants are treated alike so that arrangements are seen to be open, fair and transparent. This policy sets out the process to be followed by Ettington Parish Council when co-option is under consideration.
- 1.4 Whenever the need for co-option arises, Ettington Parish Council will seek and encourage applications from anyone who is eligible to stand as a Parish Councillor (see section 3). Councillors and parishioners can legally approach individuals to suggest they might wish to consider putting their names forward for co-option and encourage them to register their expression of interest.
- 1.5 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.
- 1.6 Any candidate(s) found to be offering inducements or any kind of undue pressure will be disqualified.
- 1.7 However, it is not desirable that electors of the Parish be left partially or 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, given that some absence is unavoidable at times. However, this must not be used as an excuse to co-opt and the vacancy will remain an agenda item until filled.
- 1.8 Councillors elected by co-option are full members of the Parish Council.

2. Vacancies

- 2.1 **Casual Vacancy:** In the event of a vacancy occurring due to the resignation, death or ineligibility of a Councillor, the Clerk will immediately inform the Monitoring Officer at Stratford District Council (SDC), and supply them with a copy of the requisite Notice of Vacancy for posting.
- 2.2 Should the requisite 10 electors of the Parish have not called for a poll (by-election) within the legally specified time period (currently 14 days) following the publication of the Notice of Vacancy, the Parish Clerk is notified by SDC that the vacancy(ies) may be filled by co-option. The Parish Council may then proceed to co-opt within 28 days or wait for a period of up to 6 months before proceeding.
- 2.3 **Ordinary Vacancy:** An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the Parish Council at the ordinary elections held every four years. Any candidates who were nominated are automatically elected to the Parish Council and any remaining vacancies are

known as 'ordinary vacancies'. Provided there are enough parish councillors to constitute a quorum, the Parish Council is able to coopt a volunteer(s) to fill the vacancies.

3. Process for Cooption

- On receipt of written notification from the Monitoring Officer at SDC that a casual vacancy can be filled by means of co-option and on instruction from the Council OR there are one or more ordinary vacancies to be filled, the Clerk will place a notice announcing that the vacancy(ies) can be filled by co-option and ask for expressions of interest. The notice will be placed on the Noticeboards, the Parish Councils website and other such publications/media as may be agreed, and will include:
- A contact point so that people considering putting their names forward for co-option can obtain more information on the role of a parish councillor.
- Contact details to where expressions of interest should be made (usually the Clerk, via email or hard copy)

4. Qualifications / Disqualifications: Qualification

Criteria:

Be 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 their principal place of work in the parish; or
- has lived within three miles (direct) of the parish.

There are certain disqualifications for election (see 5. 80 of the Local Government Act 1972), of which the main are:

- 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.

5. Application Process:

5.1 Although there is no statutory requirement to do so, candidates will be requested to :

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

The forms will also be available to download from the Parish Councils website (www.ettington.org).

- 5.2 The Clerk will then consider completed forms to check that the individual(s) meets the qualification requirements.
- 5.3 All candidates are asked to complete and submit the *Appendices a and b*) by a given date and copies will be circulated to all Parish Councillors with the agenda packs prior to a full meeting of the Council where the co-option is to be considered. All such documents will be treated by the Clerk and Councillors as strictly private and confidential.
- 5.4 Where the vacancy to be recruited to is for a particular Ward (Fulready or Ettington) residents of that Ward will be the preferred choice. If there are vacancies for both Wards these will be dealt with separately. If there is one candidate for a specific ward she/he will be considered for automatic cooption, ie no vote will be needed. If there are two or more candidates for a specific Ward there will be a vote as described below, in respect of those candidates. If there are no candidates for the Ward in which the vacancy arises then the process below will be followed, ie the co-opted member does not have to reside in the Ward in which there is a vacancy.
- 5.5 Candidates will be informed of the date of the meeting at which the Parish Council will make its decision on the co-option. Notice of the Intention to co-opt should be given in the agenda for the meeting of the Parish Council.
- 5.6 Candidates may be invited to the meeting to introduce themselves, with a maximum of 5 minutes to give information on their background and experience and explain why they wish to become a Member of Ettington Parish Council. Councillors will then be given the opportunity to ask questions of them, or 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. The Council may only discuss each candidate's suitability for the role, when he/she and members of the public are not present.
- 5.7 As soon as all candidates have finished their submissions and questions asked of them, the council will proceed to a vote on the acceptability of candidates.
- 5.8 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.
- 5.9 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.
- 5.10 The Parish Council will appoint co-opted members by voting according to Standing Orders
- 5.11 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.
- 5.12 If there are more candidates than vacancies, Arnold Baker's "Local Council Administration" recommends that:

- i) Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.
- ii) Where the council is considering the co-option of a councillor to fill a vacancy under s.89 of the Local Government Act 1972, it shall be under no obligation to accept any candidate.

5.13 After the vote:

- i) Any Candidates that are not present at the meeting, will be notified of the results by the Clerk, as soon as is reasonably possible (usually within 24 hours)

Successfully co-opted candidates become Councillors in their own right, with immediate effect, and are no different to any other member. 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 the Parish Council's Code of Conduct, as they had previously indicated on their Application and Eligibility Form. Should the new Councillor not comply with or breach the Code of Conduct, then the Monitoring Officer at Stratford District Council will be advised, who will then deal with the matter

- ii) The successful candidate's term of office runs until the next quadrennial elections for the Parish Council.

Appendix a) **Co-option Eligibility Form**

1. In order to be eligible for co-option as an Ettington 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

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 in Ettington Group Parish Council and the information given on this form is true and accurate record.

Signature.....

Date.....

Appendix b) **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.

Full Name & Title	
Home Address	
Home Telephone	
Mobile Telephone	
Email Address	

About You

Please provide the council with some background information about yourself.

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Reasons for applying

Please provide the council with your reasons for wanting to become a Parish Councillor.

Signature

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

	Proposer	Seconder
Name		
Address		
Signature		

Please return your completed application to the Clerk to the council. Your application will be considered at the next available Parish Council meeting, where a vote will be held to decide whether the council agrees to co-opt you in to Ettington Parish Council.

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