

CO-OPTION

POLICY

(Including person specification and application form)

**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 Cornforth 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.

The Parish Council is composed of **one ward** that consists of **15 members.**

**CO-OPTION**

The co-option of a parish councillor occurs in two instances:

1. When an ordinary vacancy has arisen on the Parish Council after the ordinary elections held every four years.

2. When a casual vacancy has arisen on the Parish Council and no poll (by-election) has been called.

**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 generally able to co-opt a volunteer to fill the vacancies. In some cases, the County Council (Durham County Council) may intervene and make an appointment or order an election to fill the vacancies.

**CASUAL VACANCY**

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 sub- committee or to attend as a representative of the council a meeting of an outside body.

The Parish Council must notify the County Council of a casual vacancy and then advertise the vacancy and give electors for the ward the opportunity to request an election. This occurs when ten (10) electors write to the County Council stating that an election is requested.

If a by-election is called, a polling station will be set up by Durham County Council and the people of the ward will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper.

The Parish Council will pay the costs of the election.

The people of the ward have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services Officer of Durham County Council will advise the Clerk of the closing date.

If more than one (1) candidate is then nominated a by-election takes place but if only one (1) candidate is put forward they are duly elected without a ballot

If ten (10) residents do not request a ballot within fourteen (14) days of the vacancy notice being posted, as advised by the Electoral Services Office, the Parish Council is able to co-opt a volunteer.

**CONFIRMATION OF CO-OPTION**

On receipt of written confirmation from the Electoral Services Office that no by-election has been claimed, the casual vacancy can be filled by means of co-option.

The Clerk will:

* Advertise the vacancy for four weeks or such other period as the Parish Council may agree on the Parish Council notice boards and website.
* Advise Durham County Council that the co-option policy has been instigated.

This procedure will also apply in the case of an ordinary vacancy where the Electoral Services Office has confirmed that there were insufficient nominations to fill all the seats but there are sufficient parish councillors elected to constitute a quorum.

**ELIGIBILITY OF CANDIDATES**

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

* he/she is 18 or over; and
* he/she is a British citizen, a qualifying Commonwealth citizen or a citizen of any other member state of the European Union.

and at least one of the following apply:

* he/she is an elector for the Parish and continues to be an elector; or
* has resided in the Parish for the past twelve months or rented/tenanted land in the Parish; or
* has had his/her principal or only 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.

There are certain disqualifications for being a parish councillor, of which the main are (see s80 of the Local Government Act 1972):

* holding a paid office or employment under the Parish 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 preceding five years; or
* being disqualified under any enactment relating to corrupt or illegal electoral practices.

**APPLICATIONS**

Candidates will be requested to:

Submit information about themselves, by way of completing a short application form (a copy of the co-opted councillor specification and application form is contained at the end of this policy as **appendix (A)**

Confirm their eligibility for the position of parish councillor within the statutory rules, (a copy of the eligibility form is contained within the procedure for co-option.

Following receipt of applications, the next suitable Parish 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'.**

Eligible candidates will be invited to attend the meeting.

Copies of the eligible candidates’ applications will be circulated to all parish councillors by the Clerk at least 3 clear days prior to the meeting of the full Parish Council, when the co-option will be considered.

All such documents will be treated by the Clerk and all parish councillors as strictly private and confidential.

**AT THE CO-OPTION MEETING**

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to the parish councillors (members), give information on their background and experience and explain why they wish to become a member of the Parish Council.

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.

However, where the Parish Council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial, and the Parish Council should **resolve to exclude the members of the press and public.**

As soon as all candidates have finished giving their submissions, the Parish 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 13).

A recorded vote may be requested under Standing Order 1r to show whether each councillor present and voting, gave his/her vote for or against that question.

For a candidate to be co-opted to the Parish Council, 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.

If present, a candidate who is co-opted will sign at the co-option meeting a **Declaration of Acceptance of Office**, including an undertaking to abide by the **Parish Council’s Code of Conduct,** and may take office thereafter.

If not present, a co-opted candidate will sign the Declaration of Acceptance of Office either before or at the next meeting of the Parish Council.

The Clerk will notify Durham County Council Electoral Services Office of the co-option of the new parish councillor.

The co-opted parish councillor will complete a Notification of Disclosable Pecuniary and Other Interests form which the Clerk will lodge with the Monitoring Officer at Durham County Council within 28 days of the co-option.

If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.

**APPENDIX ‘A’**

**CO-OPTED COUNCILLOR SPECIFICATION**

**Personal Attributes**

* Sound knowledge and understanding of local affairs and the local community.
* Forward thinking.
* Can bring a new skill, expertise, or key local knowledge to the Council.

**Experience, Skills, Knowledge and Ability**

* Ability to listen constructively.
* A good team player.
* An interest in local matters.
* Ability and willingness to represent the Council and their community.
* Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others views and accept majority decisions.
* Ability to communicate clearly.
* Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff.
* 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 induction training and other relevant training.
* Willingness to acquire a basic knowledge of legal issues relating Parish Councils and Local Authorities.

**Circumstances**

* Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) at various times and events in the evening (and at weekends).

**Eligibility for office. Qualifications.**

A person must be a Commonwealth citizen or Euro national, be over 21and an elector. In addition, the owner or tenant of any land or premises in the parish or a person who has resided in the parish or within 3 miles of it or occupied it as owner or tenant any land or premises therein or has principal or only place of work there. Such work need not be paid but must be substantial. It is therefore possible to be a member of more than one local council.

**Disqualifications.**

There are several ways in which a person may be disqualified:

1. If a person holds a paid office or other place of profit in the gift or disposal of the council or any committee or subcommittee thereof of a company controlled by the council.
2. Bankruptcy and execution of compositions or arrangements with creditors. This ends 5 years after discharge.
3. Conviction in the United Kingdom, the Channel Islands, or the Isle of Man within 5 years before the election and has been sentenced to not less than three months imprisonment (whether suspended or not) without the option of a fine. If a free pardon has been given the disqualification ceases.
4. Corrupt or illegal practises.

APPLICATION FORM



for the role of Parish Councillor on Cornforth Parish Council

|  |  |
| --- | --- |
| **Full name** |  |
| **Full Home Address****Inc. Postcode** |  |
| **Telephone number** |  |
| **Mobile number** |  |
| **Email** |  |

It is a condition of being a Parish Councillor that your phone number and email address be made public via notice boards and website.

LEGAL QUALIFICATIONS FOR BEING A COMMUNITY COUNCILLOR

To qualify you must be able to answer **‘Yes’** **to both** of the questions below.

|  |  |
| --- | --- |
| Are you a British citizen, a Commonwealth citizen, or a citizen of a European Union country? | Yes / No |
| Are you 18 or over? | Yes / No |

To qualify you must be able to answer **‘Yes’ to at least one** of the questions below.

|  |  |
| --- | --- |
| Are you on the electoral register for Cornforth? | Yes / No |
| Have you lived either in Cornforth or within 3 miles of its boundary, for at least a year? | Yes / No |
| Have you been the owner or tenant of land in Cornforth for at least a year? | Yes / No |
| Have you had your only or main place of work in Cornforth for at least a year? | Yes / No |

DISQUALIFICATIONS

You must be able to answer **No to all the questions** below to be eligible to serve as a councillor.

|  |  |
| --- | --- |
| Are you the subject of a bankruptcy restrictions order or interim order? |  |
| Have you within the last five years been convicted of an offence in the UK, the Channel Islands or the 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? |  |
| Are you disqualified by order of a court from being a member of a local authority? |  |

Please briefly outline of why you are interested in being a parish councillor.

|  |
| --- |
|  |

Please tell us something about the life experience you will bring to the Council, for example, previous local government experience, work in the voluntary or charitable sector, business, or trade union experience.

|  |
| --- |
|  |

Are there any questions you would like to ask the council?

|  |
| --- |
|  |

Date Signed

 (by applicant)

----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------*Received by Clerk*

Date Signed

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***Note: -***

***Applicant: PLEASE DO NOT***

***complete the details below as these are completed by the Clerk during the assessment of the application.***

Meets Criteria **YES**

 **NO**

Co-opted **YES**

 **NO**

Date co-opted ----------------------------------------------------------