

LEVENS PARISH COUNCIL

PROCEDURE FOR THE CO-OPTION OF COUNCILLORS

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 Levens Parish Council (LPC). The Co-option procedure is entirely managed by LPC and this policy will ensure that a fair and equitable process is carried out.

2. Co-option to a Casual Vacancy

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 to attend as a representative of the Council a meeting of an outside body.

LPC 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.

3. By-Election

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. LPC 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.

4. Co-option Process

If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, and written confirmation of such is received from the Electoral Services Office of 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 LPC that the Co-option Policy has been instigated.

LPC is not obliged to fill any vacancy. Even if it 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 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 LPC.

5. Eligibility of Candidates – see Appendices A & B

LPC 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.

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

6. Applications:

Current Councillors 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 written expression of interest;
- Confirm their eligibility for the position of Councillor within the statutory rules (Appendix A).

Copies of the candidate's applications will be circulated to all Councillors by the Clerk. **All such documents will be treated by the Clerk and all Councillors as Strictly Private and Confidential.**

7. The Co-option Procedure

Once received Councillors will determine the process for co-option.

This may be by convening a meeting of the Parish Council Working Group (Councillors meeting informally, but with a Chair). The Clerk will invite candidates to attend. At this meeting, candidates will be offered 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 LPC. Councillors will then enter informal discussion with the candidate who will also be given an opportunity to ask questions of the Council.

Where there is more than one candidate, they will be seen in alphabetical order. Where there are more candidates than vacancies, the procedure will remain the same.

After all candidates have been seen, Councillors will discuss and draw conclusions as to the relative merits of each.

At the next available council meeting there will be an agenda item: 'To consider applications for the office of Parish Councillor and to Co-opt a candidate(s) to fill the existing vacancy(ies)'.
If the Council wishes to discuss the merits of candidates it may resolve to exclude the members of the press and public. In determining the merits of individual candidates, the Council will use the general attributes set out in Appendix B as a guide and any personal statements provided by candidates.

Once the Council has considered the merits of candidates, it will re-open the meeting to members of the press and public and the Chair will announce its conclusion.

8. Where there are More Candidates than Vacancies

Where there are more candidates than vacancies, the Council will proceed to a vote on the acceptability of each candidate, using the general attributes set out in Appendix B. The voting process shall be conducted in public on pro-forma voting slips whereby an 'X' placed against the name of a candidate shall signify a vote in favour of co-option. The voting slips will not identify the individual Councillor casting a vote and to that end voting will be confidential. Completed voting slips will be folded and passed to the Clerk who will, in the presence of the Chair count the votes. After the votes have been concluded, the Chair will declare the successful candidate(s) duly elected. In the event of a tie, the Chair shall have a second or casting vote to identify a first successful candidate and further rounds of voting will then take place with the process repeated until the appropriate number of candidates has been successful.

After signing their declaration of acceptance of office, a successful candidate(s) may take their seat(s) 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 – STATEMENT OF ELIGIBILITY

In order to be eligible for co-option as a 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 of Levens Parish Councillor, and the information given on this form is true and accurate record.

Signature.....
Date.....

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

APPENDIX B - CO-OPTED COUNCILLOR: A GUIDE TO 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
- Ability to listen constructively
- A good team player
- Ability to pick up and run with a variety of projects. Solid 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 succinctly and 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
- Experience of working or being a member in a local authority or other public body
- 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
- 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