

Cromford Parish Council Co-option Policy

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 Cromford Parish Council. The Co-option procedure will ensure that a fair and equitable process is carried out.

2. Co-option

The Co-option of a Parish Councilor occurs when a casual vacancy has arisen on the Council and no poll (by- election) has been called. A casual vacancy occurs when:

- A councilor fails to make his declaration of acceptance of office at the proper time;
- A councilor resigns;
- A councilor dies;
- A councilor becomes disqualified; or
- A councilor 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.

The Clerk has to notify the Monitoring Officer at Derbyshire Dales District Council of a Casual Vacancy. The District Council then sends the Clerk a notice to display on-line and the on the parish noticeboards to give electors the opportunity to request a by-election. This occurs when ten+ electors write to the Monitoring Officer at the District Council stating that an election is requested.

If a by-election is called, a polling station will be set up by the District Council within the next 60 working days 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. The District Council will pass all associated costs of the by-election onto the parish council to pay. The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the district council 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, the District Council Monitoring Officer will notify the Clerk that the Parish Council is now free to co-opt a volunteer.

3. Confirmation of Co-option

On receipt, of written confirmation from the Monitoring Officer, the casual vacancy can be filled by means of Co-option, the Clerk will:

- Advertise the vacancy for four weeks on the parish notice boards, the internet and any local newsletters or magazines.
- Advise that the Co-option Policy has been instigated

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NALC recommends that local councils always give public notice of vacancies because this makes the process of cooption open and transparent and should attract more potential candidates.

Councillors elected by co-option are full members of Parish Council.

4. Eligibility of Candidates

Once the Council is satisfied that a candidate is eligible to be co-opted onto a council, NALC recommends that a local council should employ a fair and transparent process to assess the suitability of a proposed candidate who wishes to be co-opted. A local council should assess if a proposed candidate has the skills expected and or has any additional expertise or areas of interest which will assist the council exercise their various functions.

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

- You are a British, EU or Commonwealth Citizen
- You are at least 18 years old
- You are currently a registered elector for the parish of Cromford; or
- You have resided in the parish for the past twelve months or currently rent/tenant land or other premises in the parish; or
- Your principal place of work is within in the parish; or you live within three miles (direct) of the parish.

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

- You are employed by the parish council; or employed by an entity under the control of the parish council such as one of its contractors
- You have been declared bankrupt
- You are subject to a debt relief order
- You have been sentenced to a term of imprisonment (whether suspended or not) of three+ months, without the option of a fine during the five years preceding the election; or
- You are disqualified under any enactment relating to corrupt or illegal practices, under the Representation of the People Act 1983 including offences relating to donations.

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

5. Applications

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

The application shall be posted or emailed to the Clerk. Following receipt of applications, the Clerk shall arrange at the next suitable council meeting for an agenda item *'To receive written*

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applications for the office of Parish councillor and to Co-opt a candidate to fill the existing vacancy'.

Copies of the candidate's applications will be circulated to **all** Councillors by the Clerk at least 3 clear days prior to the meeting of the full Council, when the Co-option will be considered.

All applicants will be sent copy of the following documents:

- A full agenda of the meeting at which they are to be considered for appointment.
- A copy of the Code of Conduct,
- A Copy of the Parish Council's Standing Orders and Financial Regulations.

Candidates will also be informed that they will be invited to speak about their application at the meeting.

6. At the Co-option Meeting

At the Council meeting considering the co-option, the chairman will adjourn the meeting to allow each candidate to speak. Applicants will be given five minutes' (each) maximum to introduce themselves to the Members, give information on their background/experience and explain why they wish to become a Member the Parish Council.

Once each candidate has spoken, the chairman shall reconvene the meeting and ask the candidates to leave the room so that the Council can discuss the merits of each applicant and their personal attributes. The Clerk shall remain to take minutes and advise on any legal matters.

The council will then proceed to a vote on the acceptability of each candidate utilising the 'person specification' criteria set out in Appendix C as a guide and any personal statements provided by candidates. This will be done by each candidate being proposed and seconded by the Councillors in attendance and a vote by a show of hands. The vote will be recorded so as to show whether each Councillor present and voting gave their vote for or against that candidate being co-opted.

In order for a candidate to be co-opted to Cromford 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. In the case of an equality of votes, the Chairman of the meeting has a second casting vote.

After the votes has been concluded and the decision made the Chairman will allow each candidate to re-enter the room in turn. This is to allow the Council to either decline the applicant or offer to co-opt the candidate to the Council. Once each candidate has been seen. The chairman will declare the successful candidate(s) duly elected and after the clerk has arranged for the successful candidate (s) to sign their declaration of acceptance of office, they may take their seat immediately.

The Clerk will notify Monitoring Office at the District Council of the new Councillor appointment. The successful candidate(s) must complete the 'registration of interests' within 28 days of being elected.

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The clerk will pass this to the new member(s) to complete. The form must then be handed to the Clerk for forwarding to the Monitoring Officer at the District Council.

If insufficient candidates came forward for co-option the process should continue, whereby the vacancies are again advertised.

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APPENDIX A

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.

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A large empty rectangular box, likely intended for a signature or stamp.

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 Cromford Parish Council.

APPENDIX B

Co-option Eligibility Form

1. In order to be eligible for co-option as a Cromford 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 their creditors (but see below); or

c) Has within five years before the day of election, or since the 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.

I agree to provide the Clerk with the required forms of ID requested.

DECLARATION

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

Signature.....

Date.....

APPENDIX C
CO-OPTED COUNCILLOR PERSON SPECIFICATION

COMPETENCY	ESSENTIAL	DESIRABLE
Personal Attributes	<ul style="list-style-type: none"> • Sound knowledge and understanding of local affairs and the local community. • Forward Thinking 	<ul style="list-style-type: none"> • Can bring a new skill, expertise or key local knowledge to the Council.
Experience, Skills, Knowledge and Ability	<ul style="list-style-type: none"> • Ability to listen constructively • 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, including by email. • Ability to remain calm and professional in a heated debate. • A good team player • Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff. • Be enthusiastic • Ability to pick up and run with a variety of local projects • A Solid Interest in local matters • Ability and willingness to represent the Council and their community • 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. 	<ul style="list-style-type: none"> • 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 • Good Standard of Computer literacy
Circumstances	<ul style="list-style-type: none"> • 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. • Flexible and committed to the Council and its staff 	