

Probus Parish Council Co-Option Policy

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1. Introduction

- 1.1 This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Probus Parish Council. The Co-Option procedure is entirely managed by Probus Parish Council and this policy ensures a fair and equitable process is carried out.
- 1.2 Whenever the need for co-option arises Probus Parish Council will seek and encourage applications from those who meet the qualifying criteria and are eligible to stand as a councillor. Councillors can legally approach individuals to suggest they may wish to apply.
- 1.3 All vacancies will be advertised on the parish council noticeboard and website.
- 1.4 The advertisement to co-opt will include:
 - The method by which applications can be made
 - The closing date for all applications
 - A contact point to obtain more information
- 1.5 The co-option policy will be reviewed every four years

2. Co-Option (Stage 1)

- 2.1 The co-option of a parish councillor occurs when a casual vacancy has arisen on the council and no 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
 - A councillor fails for six (6) consecutive months to attend meetings of a council, committee or sub-committee or to attend as a representative of the council at a meeting of an outside body
- 2.2 The Parish Council must notify Cornwall Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten or more electors write to Cornwall Council stating that an election is requested.
- 2.3 If ten or more residents do not request a by- election within fourteen working days of the vacancy being posted, as advised by Cornwall Council, Probus Parish Council is able to co-opt a councillor.
- 2.4 On receipt of written confirmation from Cornwall Council Electoral Services the vacancy can be filled by co-option. The Clerk will:
 - Advertise the vacancy for four weeks on the Council notice boards and website
 - Advise the council that the co-option policy has been instigated

3. Co-Option (Stage 2)

- 3.1 Insufficiency of candidates at an ordinary election also provides the Parish Council with authority to exercise its rights to co-opt any person or persons to fill any vacancies within 35 days following the date of said ordinary election.
- 3.2 Probus Parish Council is not obliged to fill any vacancy. Even if the Parish Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.
- 3.3 However, it is not desirable that electors in a particular Parish be left partially or full underrepresented for a significant length of time. Neither does it contribute to effective and efficient working of the Parish Council if there are insufficient councillors to share the workload; equitably; to provide a broad cross-section of skills and interests; or to achieve meeting quorums without difficulty.
- 3.4 Councillors elected by co-option are full members of Probus Parish Council.

4. Eligibility of Candidates

- 4.1 The Parish Council can consider any person to fill a vacancy provided that the applicant:
 - is an elector for the parish; or
 - has resided in the parish for the past twelve months or rented/tenanted land in the parish; or
 - has his/her principal place of work in the parish; or
 - has lived within three miles radius (direct) of the parish
- 4.2 Expressions of interest rather than proper applications will not be considered.
- 4.3 There are certain disqualifications for election, of which the main are (Local Government Act 1972)
 - Holding a paid office for the Parish Council 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 practice
- 4.3 Eligibility of the candidate(s) will be confirmed by the Clerk
- 4.4 All eligible candidates shall be invited by letter to attend the next suitable and available full council meeting following the application deadline. This may not be the next full council meeting however. If the candidates are unable to attend, this meeting will not be rearranged.

5. Applications

- 5.1 To assist candidates **Appendix A** provides a guide to those criteria that the Parish Council would expect from parish councillors. This list is not exhaustive but provides candidates with some guidance on areas they may wish to include in their application forms.
- 5.2 Candidates will be requested to:
- Confirm their eligibility for the position of Councillor within the statutory rules (a copy of the Eligibility Form is attached at **Appendix B**)
- Submit information about themselves, by way of completing a short application form (a copy of the application form is attached at **Appendix C**)
- 5.3 Candidates will be encouraged to contact the Chair and/or Clerk for further information about the Parish Council, its current priorities and working arrangements, prior to submitting an application.
- 5.4 Following receipt of applications, the next suitable council meeting will have an agenda item 'To Co-opt a Parish Councillor to fill a casual vacancy'
- 5.5 Copies of the candidate's application 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 such documents will be treated by the Clerk and all Councillors as Strictly Private and Confidential.
- 5.6 Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment, together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of Probus Parish Council. Candidates will also be informed that they will be invited to speak in support of their application at the meeting.

6. At the Co-Option Meeting

- 6.1 At the co-option meeting candidates will be given an allotted time and will be asked to adhere to that time so there will be no overlap of applicants. Each candidate will have a maximum of five (5) minutes to introduce themselves to members, give information on their background and experience and explain why they wish to join Probus Parish Council. The process will be carried out by adjourning the meeting to allow the candidate to speak
- 6.2 After the presentation, members may ask questions of the candidate for a maximum of five (5) minutes. The candidate/s will be thanked for attending the meeting and advised the outcome of the co-option will be conveyed to him/her in writing. The Clerk will issue those decision letters and offer feedback as soon as practicable after the meeting.
- 6.3 A ten (10) minute break will be taken between candidates to prevent any overlap and to allow members an opportunity to discuss each applicant.
- 6.4 Once all the candidates have finished giving their submissions, the Council will proceed to a vote on the suitability of each candidate utilising the 'person specification' criteria set out in Appendix C and any personal statements provided by candidates.

- 6.5 Where the Council wishes to discuss the merits of candidates and inevitably their personal attributes, this could be prejudicial and the Parish Council will resolve to exclude the members of the press and public.
- 6.6 If a candidate is a relative of a Councillor, that Councillor should declare a non-registerable interest and withdraw from the meeting.
- 6.7 The voting process for proposed candidates will be carried out in the public session. A paper ballot may be held if more than half the council request it. In this case the ballot papers will be blank sheets of paper and councillors will write either 'For' or 'Against'. The Chair and Clerk will count the ballot papers and announce the results. In order for a candidate to be elected to the council it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting).
- 6.8 Only councillors present at the meeting may vote upon a person to fill this vacancy. Councillors will have one vote per vacancy to be filled. The Chair has the casting vote.
- 6.9 The Clerk will notify Electoral Services of the new Councillor appointment, initiate 'Acceptance of Office' paperwork and 'Registration of Interests' within 28 days of being elected.
- 6.10 If insufficient candidates come forward, or no candidate is elected, the process should continue whereby the vacancies are advertised again. The Council does not have to accept any candidate even if there is only one Candidate for one position.
- 6.11 Any candidate(s) found to be offering inducements of any kind will be disqualified.

7. Elected Councillors (Co-Option)

- 7.1 Successfully co-opted candidates become councillors in their own right, with immediate effect, and are no different to any other member. They will be asked to sign the Declaration of Office at the next meeting.
- 7.2 Co-opted members will, once they have signed the Declaration of Acceptance of Office and agreed to be bound by the Local Government Code of Conduct, take their seat at Council and are then able to be appointed to a committee and/or as a representative to local organisations.
- 7.3 Any application can be considered in a candidate(s) absence, but if successful, members would need him or her to sign the Declaration of Acceptance of Office at the next Council Meeting.

APPENDIX A

CO-OPTION CRITERIA

Name of Local Council: Probus Parish Council

Description of Office: Parish Councillor

COMPETENCY

ESSENTIAL

DESIRABLE

Relevant knowledge,

education, professional qualifications and training

Sound knowledge and understanding of local affairs and the local community.

Experience, Skills, Knowledge and Ability

Solid interest in local matters

Knowledge of HR procurement, contract management, financial control or risk management and compliance, public relations

Ability and willingness to represent the Council and their community

Experience of working in another public body or not for profit organisation

Good interpersonal skills

Experience of working with voluntary and/or local community/interest groups

Ability to communicate clearly both orally and in writing

Basic knowledge of legal issues relating to town and parish councils or local authorities

Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff

Experience of delivering presentations

Good reading and analytic skills

Experience of working with the media

Ability and willingness to work with the council's partners (e.g. voluntary groups, other parish councils, principals authorities)

Experience in financial control/budgeting

Experience of staff management

Ability and willingness to undertake relevant training

Ability to work under pressure

Experience in using IT e.g. e mail & internet

Other requirements

Ability and willingness to attend meetings of the council (or the meetings of other local authorities and local bodies) in the evening and at weekends

Access to a computer and e mail

Flexible

Enthusiastic

**APPENDIX B
CO-OPTION ELIGIBILITY FORM**

Are you a British subject, citizen of the Commonwealth or citizen of the European Union?
YES/NO

On the 'relevant date' (i.e. the day on which you are nominated or if there is a poll the day of the election) are you 18 years of age or over?
YES/NO

PLEASE TICK THOSE BELOW WHICH APPLY TO YOU

- a) I am registered as a local government elector for the Parish of Probus;
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 of Probus;
or
- c) My principal or only place of work has, during the whole twelve months preceding my co-option, been in the Parish of Probus;
or
- d) I have during the whole of twelve months preceding my co-option lived in the Parish of Probus or within 3 miles of it.

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 specific criteria are not met:

a) Are you an employee of Probus Parish Council? **YES/NO**

b) Are you the subject of a bankruptcy restrictions order or interim order? **YES/NO**

c) Have you within the last five years been convicted of an offence in the UK, Channel Islands or 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; **YES/NO**

d) Are you disqualified by order of a court from being a member of a local authority?
YES/NO

DECLARATION

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

Signed:

Print:

Date:

APPENDIX C

PROBUS PARISH COUNCIL

CO-OPTION APPLICATION FORM

NAME

ADDRESS

TELEPHONE NUMBER

EMAIL ADDRESS

1. Please tell us something about what experience you can bring to Probus Parish Council, for example; previous local government experience, work in the voluntary or charitable sector, business or trade union experience (*please continue on an additional page if required*).

2. Please tell us something about skills you can bring to the Council, for example; professional qualifications, financial or project management expertise (*please continue on an additional page if required*).

3. Please explain why you are interested in becoming a Parish councillor

4. Please include any other information you would like to add in support of your application? *(please continue on an additional page if required)*

5. Are there any questions you would like to ask the Town Council prior to the meeting to consider applicants?

Signed:

Print:

Date: