

GREAT BENTLEY PARISH COUNCIL CO-OPTION POLICY**Approved: December 2021****Amended Jan 2022**

This policy sets out to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Great Bentley Parish Council. The co-option procedure is entirely managed by the Parish Council, and is designed to ensure that a fair, equitable and transparent process is carried out.

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 councillors on the new council to constitute a quorum, the Parish Council can co-opt a volunteer to fill the vacancies. If there is no quorum Tendring District Council may intervene and make an appointment or order an election to ensure a quorum exists.

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.
- A councillor fails for six 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 Tendring District Council of a casual vacancy and then advertise the vacancy and give electors for the Parish the opportunity to request an election. This occurs when ten (10) electors write to Tendring District Council stating that an election is requested.

If a by-election is called, a polling station will be set up by Tendring District Council and the electors of Great Bentley will be asked to go to the polls to vote for the candidate who will have put themselves forward by way of a nomination paper. The Parish Council will pay the costs of the election.

Parishioners have fourteen days (not including weekends, bank holidays and other notable days) to claim the by-election, but the Electoral Services Officer of Tendring District Council 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 of the ward do not request a ballot with fourteen 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 Officer 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 a minimum of four weeks on the Parish Council noticeboards and the website.

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

APPLYING TO JOIN GREAT BENTLEY PARISH COUNCIL AS A CO-OPTED MEMBER

Step 1 – Confirm that you are eligible to be a member of the Council

Qualifications

- You must be a Commonwealth or British citizen or a citizen of any member state of the European Union
- You must be over 18 years old.
- You must be on the electoral roll for Great Bentley OR
- You must during the whole of the previous 12 months before election or co-option, have resided in the locality or within three miles of it, or occupied as owner or tenant any land or premises therein, or had your principal or only place of work in Great Bentley.

Disqualifications as follows:

- You MUST NOT be a paid officer of the Council
- You MUST NOT be subject to a bankruptcy restriction order or an interim order
- You MUST NOT have been (within the last five years or since election or co-option) convicted of any offence and been sentenced to more than three months imprisonment (whether suspended or not) without the option of a fine.
- You MUST NOT have been convicted at any time of corrupt or illegal practices
- You MUST NOT have been convicted at any time of failure to register or declare disclosable interests under the Localism Act 2011 or for breach of the Code of Conduct.

Step 2 – Make sure you understand what is involved

It is recommended (but not compulsory) that you read the National Association of Local Councils' publication 'The Good Councillors Guide' which explains more about the roles and responsibilities of councillors – electronic copies are available on request and printed copies are available for a small

cost from the National Association of Local Councils. If you have any questions about the role, you can contact The Clerk to the Council or any serving councillors who will be happy to answer your questions.

Step 3 – Make your application

- Complete the application form and confirmation of eligibility form (Appendix a) taking note of the Person Specification (Appendix B)
- Send your completed form to The Clerk to the Council (e-mail or post)

Step 4 – Parish Council Meeting

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'.

Applications must be received by the Clerk to the Council at least 1 week before the meeting (you will be advised of the deadline as appropriate) and applications will be circulated to all parish councillors by the Clerk prior to the Parish Council meeting. All documents will be treated by the Clerk and Councillors as strictly private and confidential.

Eligible candidates will be invited to attend the meeting and will each be given a maximum of five minutes to introduce themselves, give information of their background and experience, and explain why they wish to become a Parish Councillor.

For the purposes of full transparency, 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. In the event that Councillors are publicly discussing the merits or personal attributes of candidates, the Council will resolve to exclude the Press and Public (which will include the applicants) for the purpose of discussion, but the vote will take place in the public session.

Voting will be according to statutory requirements and current Standing Orders.

- a) An existing councillor will need to propose that you are elected.
- b) This proposal will need to be seconded by another councillor.
- c) Voting will be by a show of hands of those councillors present at the meeting or if at least two members so request by signed ballot. A successful candidate must have received an absolute majority vote of those present at the meeting (50% +1 of the votes 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 take place until a candidate has an absolute majority.

Please note:

The Council may elect whom it pleases providing they are eligible to become a councillor and if the applicant is not co-opted at the Parish Council meeting following the procedures outlined this will be the Council's final decision and the Council will be under no obligation to engage in any further discussion or correspondence on the matter.

Step 5 - Joining the Council

If present, a candidate who is co-opted will be invited to sign the Declaration of Acceptance of Office, which includes an undertaking to abide by the Council's Code of Conduct and may take office immediately.

Within 28 days of co-option the co-opted councillor must complete a Notification of Disclosable Pecuniary and Other Interests which will be lodged with the Monitoring Officer at Tendring District Council, and which will be publicly displayed on TDC and the Parish Council website.

Your contact telephone number and email address will also be publicly available.

APPENDIX A

GREAT BENTLEY PARISH COUNCIL CO-OPTION APPLICATION FORM

CONFIRMATION OF ELIGIBILITY FOR POST

Name:
Address:
Telephone number:
Email address:
<p>In order to be eligible for co-option as a Great Bentley Parish Councillor you must satisfy certain criteria. You must satisfy (a) and (b) below and at least one of the other options (c) – (f). Please tick which apply to you.</p> <p>a. I am 18 years of age or over; and b. I am a British citizen or a citizen of the Commonwealth; and c. I am registered as a local government elector for the parish; or d. I have, during the whole of the twelve months preceding today's date occupied as owner or tenant, land, or other premises in the parish; or e. My principal or only place of work during those twelve months has been in the parish; or f. I have during the whole of those twelve months resided in the parish or within 3 miles of it.</p>
<p>PLEASE NOTE: Under s80 of Local Government Act 1972 a person is disqualified from being a parish councillor if he/she:</p> <p>a. Is employed by the parish council or holds paid office (including joint boards or committees) b. Is employed by an entity controlled by the Parish Council c. Is the subject of a bankruptcy restriction order or an interim bankruptcy restriction order or a debt relief restriction order or an interim debt relief restriction order; or d. Has within the last five years before the day of co-option, or since his/her co-option, 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 3 months without the option of a fine; or e. Is otherwise disqualified under Part III of the Representation of the People Act 1983 (relating to corrupt or illegal electoral practices and offence relating to donations) or The Audit Commission Act 1998.</p>
<p>With reference to the person specification please detail any experience you may have that is relevant to Great Bentley Parish Council. (If necessary, please continue on a separate sheet)</p>

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Is there any other information you would like to disclose regarding your application? (If necessary, please continue on a separate sheet)

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<p>Use of personal information: The Parish Council will use your information, including that which you provide on this application form to assess your eligibility and suitability to be a parish councillor.</p>
<p>Declaration and Consent I have read the section entitled 'Use of Personal Information' and by signing this form I consent to the use and disclosure of my information included in this application form.</p> <p>I further declare by signing that I am eligible for the vacancy at Great Bentley Parish Council, and I am not disqualified under s80 of Local Government Act 1972 from being a parish councillor</p> <p><u>I DECLARE THE INFORMATION ON THIS FORM TO BE TRUE AND CORRECT</u></p> <p>SIGNED..... NAME.....</p> <p>DATE.....</p>

PLEASE COMPLETE THIS FORM AND RETURN TO:

E-MAIL: clerk@greatbentleyparishcouncil.co.uk

POST: The Clerk to the Council

Great Bentley Parish Council
The Community Resource Centre
The Village Hall
Plough Road
Great Bentley
CO7 8LG

For questions, queries or if you need help completing the form, please contact The Clerk:

01206 256410 or Mobile 07359034865

APPENDIX B CO-OPTED COUNCILLOR PERSON SPECIFICATION

<u>COMPETENCY</u>	<u>ESSENTIAL</u>	<u>DESIRABLE</u>
Relevant Knowledge	Sound knowledge and understanding of local affairs and the local community	Can bring a new skill or expertise or key local knowledge to the Council
Experience, skills, knowledge, and ability	<p>Good interpersonal skills</p> <p>Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff</p> <p>Ability and willingness to represent the Council and their community (with support if necessary)</p> <p>Ability to communicate clearly and concisely both orally and in writing</p> <p>Good reading and analytic skills</p> <p>Ability to see both sides of an argument</p> <p>Ability to respond to issues in a timely manner</p> <p>Willingness to undertake relevant training</p> <p>Ability and willingness to attend meetings of the Council</p> <p>Flexibility in approach</p> <p>Enthusiasm to get involved</p> <p>Patience</p>	<p>Experience of a work environment</p> <p>Experience of working with voluntary and/or local community or interest groups</p> <p>Basic knowledge of legal issues relating to parish councils or local authorities (training available)</p> <p>Ability and willingness to work with the council's partners (e.g., voluntary groups, other parish councils, principal authority, charities)</p> <p>Ability and willingness to attend the meetings of other local authorities and local bodies in the evening and occasional events at other times and at weekends.</p>

