

Blackwell Parish Council	
Co-option Policy	
Date approved: July/August 2023	Review Date:

Introduction

This document is intended as a summary of the most relevant points of procedure and legislation rather than a definitive exposition. The Co-option procedure is managed by the Parish Council and this policy will ensure that a fair and equitable process is carried out.

Procedure for Casual Vacancies

When a vacancy arises on the Parish Council after:

- a Councillor's resignation
- death of a Councillor
- disqualification of a Councillor
- failure of a Councillor to remain qualified,

The process to fill the vacancy is as follows:

The Clerk must notify the Returning Officer at Bolsover District Council of the vacancy. Then either:

- The Parish Council must display a Casual Vacancy Notice informing the residents of the parish of the vacancy. The notice will run for 14 days (not counting weekends or bank holidays) from the date it is displayed on parish notice boards and gives the residents the opportunity to call for an election to fill the vacancy during this period.
- Or, if the vacancy occurs within six months of the next scheduled elections for the Parish Council, there is no option to hold an election. The Parish Council may fill the vacancy by co-option.

During the period of fourteen days indicated on the notice from the date the public notice of the vacancy was displayed, ten electors from the parish can call for an election to be held to fill the vacancy. If an election is not called the Parish Council is notified by the Returning Officer and must fill the position by co-option as soon as practicable.

If seven, or fewer, valid nominations were received for the Parish Council quadrennial elections, all those validly nominated will be declared elected. If enough Councillors were elected to form a quorum (4), the Parish Council should fill any remaining vacant seats by co-option. There is no statutory requirement to give public notice of local council vacancies which remain unfilled after an ordinary election (s.21(2) Representation of the People Act 1985). The Parish Council might at its discretion give public notice of vacancies which arise in these circumstances to encourage transparency and to attract more applicants. The co-option procedure will be as described in this document.

Co-option - Application Process

Although the process for co-option is not prescribed in law it is important that all applicants be treated alike so that the arrangements are seen as open and fair. The co-option process adopted by Blackwell Parish Council is as follows:

- 1 The Parish Council will advertise the vacancy (or vacancies) on the Parish Council noticeboard(s) relevant to the ward where the vacancy is and on the website. The notices will include:
 - Which ward the vacancy is in

- A contact point so that people considering putting their names forward for co-option can obtain more information on the role of a parish councillor;
- What is required to apply to fill a vacancy;
- The closing date for all expressions of interest;
- When the Parish Council intends to make a decision.

3 It is permissible for Parish Councillors (or any parishioner) to approach individuals to suggest that they might wish to consider putting their names forward for co-option.

The parish council considers that it is important that each ward is represented by Councillors who have an understanding of that ward. In the event of a vacancy, the council may consider additional methods of advertising in the appropriate ward to encourage residents to stand for co-option.

- 4 The applicant will be required to complete a 'Declaration of Eligibility' form (see Appendix one for eligibility criteria and Appendix two for a sample of the form)
- 5 Applicants will be invited to submit an expression of interest -a letter – providing reasons why they should be considered for the vacancy. These submissions will be circulated to Parish Councillors before the meeting at which the decision will be made. In writing this letter, the applicant understands that this will happen and give their permission that this information can be shared – all such documents will be treated by the Clerk and Councillors in accordance with Data Protection requirements. The expression of interest should include:
 - contact information;
 - **the ward the candidate wishes to stand for** - Blackwell, Hilcote, Newton or Westhouses, and;
 - a brief explanation of who they are, their connection to the parish, why they are interested in becoming a Councillor and what skills and knowledge they would bring to the Council. (To assist with an expression of interest letter, a person specification is available, see Appendix 3.)
- 6 **The Expression of Interest and completed Declaration of Eligibility form must be submitted to the Clerk seven days before the meeting is due to take place.** For example, if the meeting is to be held on Monday 14th September, submissions must be received by Monday 7th September.
- 7 All eligible applicants will be invited to the relevant full Parish Council meeting and will be asked to introduce themselves and the Councillors will have the opportunity to ask a standard set of questions.
- 8 If a candidate is unable to attend this meeting, this meeting will not be re-arranged. Instead, they will be considered in the voting process based on their expression of interest letter alone.
- 9 Candidates can withdraw from the process not later than 24 hours prior to the meeting where the co-options are to be considered.
- 10 If a candidate is a relative of a Councillor, that Councillor must declare a prejudicial interest and withdraw from that part of the meeting.
- 11 To ensure that all candidates have the same opportunity to talk in front of the council, they will all be asked to leave the room and will be invited back in individually to make the introductions and answer the questions, before leaving the room to allow the next candidate in.
- 12 Once all of the present candidates have had the opportunity to introduce themselves, the Chair will continue with the names of candidates in alphabetical order and proceed to the vote.
- 13 There are no special reasons which justify excluding the public during a council meeting, (s.1(2) Public Bodies (Admission to Meetings) Act 1960) when it is making decisions about a matter of public interest such as co-option.

- 14 However, if the council discusses the merits of candidates and personal attributes and this is considered to be prejudicial to either the candidates or Council, the Council should resolve to exclude members of the press and public.**

Co-option Voting Process

- 15 Only Councillors present at the meeting may vote upon a person to fill a vacancy.
- 16 Councillors have one vote per vacancy to be filled.
- 17 The person co-opted must receive a majority of the votes of those Councillors present and voting at the meeting where the co-option takes place.
- 18 Where there are two or more applicants for one vacancy, this rule means that a person must get a majority of votes over all the other applicants.
- 19 Thus, where applicant A receives four votes, and applicants B and C receive three votes and one vote respectively, A is not elected because he has the same number of votes as B and C put together and does not have a majority over their combined votes.
- 20 Where there are more than two applicants it is desirable to eliminate the applicant with the least number of votes, so that the final vote is between two applicants only.
- 21 The Chair has the casting vote.
- 22 If the vote is considered to be prejudicial to either the candidates or Council, the Council should resolve to exclude members of the press and public**

After the Vote

- 23 Successfully co-opted applicants become Councillors in their own right, with immediate effect having signed their Declaration of Acceptance of Office and are no different from any other member. They may take their seat at Council and be appointed to a committee and as a representative to local organisations in the usual way.
- 24 If a successful candidate is not present, they would be asked to sign the Declaration of Office either before or at the next full meeting of the parish council.
- 25 All Councillors are expected to have read and understood the Code of Conduct and Standing Orders adopted by the Council.
- 28 The Clerk will advise Bolsover District Council of the new appointments. The new Councillors are legally required to complete and return to the district council a Members and Co-opted Members Disclosable Pecuniary and Other Interests form within 28 days of the acceptance of office.
- 29 Their term of office runs until the next quadrennial elections for the Parish Council.
- 30 The council is not obliged to provide feedback on the application process to unsuccessful candidates and reasons will remain confidential.
- 31 If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised,

To be reviewed annually unless further information is required to be added in the meantime.

The policy was written using the sample policy provided by Bolsover District Council, Fulford Parish Council, Prestbury Parish Council, and Goring on Thames Parish Council Co-option Policies.

This policy is fully supported by the members of Blackwell Parish Council	
Signed by	Chairman, Blackwell Parish Council
Date	

Appendix One

Qualifications Needed to become a Parish Councillor

To be able to stand as a Parish Councillor, an applicant must:

- be at least 18 years old on the day of nomination
- be a British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union
- meet at least one of the following four qualifications:
 - i) They are, and will continue to be, registered as a local government elector for the parish from the day of their application onwards.
 - ii) They have occupied as owner or tenant any land or other premises in the parish during the whole of the 12 months before the day of their application.
 - iii) Their main or only place of work during the 12 months prior to the day of their application has been in the parish.
 - iv) They have lived in the parish or within three miles of it during the whole of the 12 months before the day of their application.

Disqualifications

Apart from meeting the qualifications for standing for election, candidates must also not be disqualified from standing. There are certain people who are disqualified from being elected to a parish council. They cannot be elected if at the time of their application:

- i) They are employed by the parish council.
- ii) They are the subject of a bankruptcy restrictions order or interim order.
- iii) They have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before the day of their application.
- iv) They have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations) or under the Audit Commission Act 1998.

The full range of disqualifications is complex and if the applicant is in any doubt about whether they are disqualified, they must do everything they can to check that they are not disqualified before submitting an application as they will be asked to sign an 'Application for Co-option' to confirm that they are not disqualified. It is a criminal offence to make a false statement on the application as to their qualification for being elected, so if they are in any doubt they should contact their employer, consult the legislation or, if necessary, take independent legal advice. The Returning Officer will not be able to confirm whether or not they are disqualified.

The Parish Council will use information provided to assess eligibility of candidates to be a Parish Councillor.

Appendix 2

Blackwell Parish Council

Declaration of Eligibility for Co-option

I, _____ (name)

Of _____ (address)

hereby apply for co-option to Blackwell Parish Council

I declare that on the date of the application (below):

- I am at least 18 years old
- I am a British citizen, an eligible Commonwealth citizen
- I meet at least one of the following four qualifications (tick as appropriate):

a. I am registered as a local government elector of the parish of Blackwell in respect of the qualifying address shown above	
b. I have occupied as owner or tenant any land or other premises in the parish during the whole of the 12 months before the day of this application (date below). Show description of land or other premises here:	
c. My main or only place of work during the 12 months prior to the day of this application (date below) has been in the parish. Show address of place of work and, where appropriate, name of employer here:	
d. Have lived in the parish or within three miles of it during the whole of the 12 months before the day of this application (date below). Show address in full if different from the address shown above:	

I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, section 80 of the Local Government Act 1972, section 78A of the Local Government Act 2000 or section 34 of the Localism Act 2011.

Applicants Signature: _____

Applicants Name: _____

Date of application: _____

Appendix 3 - Person Specification to assist with writing an Expression of Interest.

Blackwell Parish Council

Person Specification for Office of Parish Councillor

Competence	Essential	Desirable
Relevant knowledge, education, professional qualifications and training	<p>Sound knowledge and understanding of local affairs and the community</p> <p>An understanding of the ward that would be represented</p>	<p>Relevant educational qualifications</p> <p>Vocation or professional qualification (e.g. accountant, teacher, policeman) may be specified</p>
Experience, skills, knowledge and ability	<p>Solid interest in local matters</p> <p>Ability and willingness to represent the Council and their community</p> <p>Good interpersonal skills</p> <p>A willingness to see other views and accept majority decisions</p> <p>Ability to listen constructively</p> <p>Ability to communicate succinctly and clearly both orally and in writing</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 work with the Council's partners (e.g. voluntary and community groups, other parish councils and District and County Councils)</p> <p>Ability and willingness to undertake relevant training</p> <p>Ability to work under pressure</p>	<p>Experience of working with or being a member of a local authority or other public body</p> <p>Basic knowledge of legal issues relating to town and parish councils/local authorities</p> <p>Good reading and analytic skills</p> <p>Experience of working with local voluntary and community groups</p> <p>Computer literacy</p> <p>Experiencing in financial control/budgeting</p> <p>HR experience</p>
Circumstances	<p>Ability and willingness to attend meetings of the council in the evening, at occasionally at other times and during weekends</p> <p>Flexible and committed to the council</p> <p>Enthusiastic</p>	