

**BURTON OVERY PARISH COUNCIL**

**POLICY ON THE CO-OPTION OF NEW  
COUNCILLORS**

<b>POLICY STATEMENT REFERENCE NUMBER</b>	<b>ADOPTED DATE</b>	<b>REVIEW DATE</b>
<b>14</b>	<b>JUNE 2023</b>	<b>JUNE 2027</b>

# **BURTON OVERY PARISH COUNCIL CO-OPTION POLICY AND PROCEDURE**

## **BACKGROUND**

Although the process for the co-option of councillors to un-filled vacancies on local councils is not prescribed in law, the Legal Briefing Note L15-08 issued by NALC provides guidance.

It is particularly important that all applicants for such vacancies are treated alike so that arrangements are seen to be open, fair and transparent. This policy sets out the process to be followed by Burton Overy Parish Council when co-option is under consideration

(It should be noted that where the council is considering the co-option of a councillor to fill a vacancy under s.89 of the Local Government Act 1972, it is under no obligation to accept any candidate.)

Firstly, it must be established that an applicant is eligible to stand as a councillor and is not disqualified for any reason.

## **ELIGIBILITY**

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;
  - 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; or
  - 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, applicants must also not be disqualified from standing. There are certain people who are disqualified from being elected / co-opted to a parish council. They cannot be elected / co-opted 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, so if they are in any doubt they should contact their employer, consult the legislation or take independent legal advice.)

#### **CO-OPTION PROCEDURE ON CASUAL VACANCY ARISING**

In the event of a vacancy occurring due to the resignation, death or ineligibility of a Councillor arising (a Casual Vacancy), the Clerk will immediately inform the Monitoring Officer of Harborough District Council (HDC) and publish the formal Notice of Vacancy.

Upon notification that the requisite 10 electors of the Parish have not called for a by-election within the legally specified time period (currently 14 days) following the publication of the Notice of Vacancy, the Parish Council will be able to fill the vacancy by co-option.

The Parish Council will place the Notice of Vacancy in noticeboards and on the Parish Council's website indicating that the vacancy is to be filled by co-option and will ask for expressions of interest to be submitted.

This Notice will include: -

- I. 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 and to where expressions of interest should be sent (usually the Clerk, via email or hard copy);
- II. Details of how to view the co-option process;
- III. The closing date for all expressions of interest;
- IV. The date on which the Parish Council expects to make a decision.

(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.)

Applicants will be asked to complete an 'Application for Co-option' form (see appendix 2) confirming their eligibility to stand as a councillor and providing a short personal submission why they should be considered for the vacancy.

When an application is received, the Clerk to the Parish Council will check that the individual has confirmed that they meet the qualification requirements, and that they would be willing to accept the Code of Conduct and other obligations of a Parish Councillor.

All applications for co-option will be circulated to Parish Councillors before the relevant meeting at which the applications will be considered and a decision taken. Applicant's suitability will generally be determined by reference to the Role Specification (Appendix 1).

Applicants will be informed of the date of the meeting at which the Parish Council will make its decision on the co-option.

The intention to co-opt should be included in the agenda for the relevant meeting of the Parish Council under 'Councillor Vacancies' or similar. Applicants may be invited to the meeting to introduce themselves and to provide Councillors with the opportunity to ask questions of them, or the Parish Council can decide to rely on the written submissions alone. (If applicants are not invited to speak at the co-option meeting, they are welcome to, but are not required to, attend as members of the public.)

(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.)

#### Ordinary vacancies

Vacancies which may exist following a scheduled four-yearly election are treated differently from casual vacancies which occur through death, resignation, non-attendance or other disqualification. Electors are not given the opportunity to request a by-election for ordinary vacancies. A quorate council with ordinary vacancies can start to fill the spare seats straight away through co-option. When a council is quorate following an ordinary election, it may co-opt within 35 working days of the election. This should be advertised across the parish to make residents aware and encourage them to apply.

If the parish council does not fill ordinary vacancies through co-option within 35 working days, the principal authority may

- call another election
- allow the parish council to co-opt in due course
- appoint councillors to fill the vacant seats.

It is preferable that the parish council uses the power of co-option and encourages local people to join the council rather than rely on the principal authority to enforce appointments. (NB any additional costs will be charged to the parish council.)

#### **Co-option Voting Process**

The person co-opted must receive an absolute majority of the votes of those Councillors present and voting at the meeting where the co-option takes place.

Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken between remaining candidates. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

**After the Vote**

The Clerk will notify the applicants of the results as soon as practicable.

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. Their term of office runs until the next full elections for the Parish Council.

## APPENDIX 1 - PARISH COUNCILLOR ROLE SPECIFICATION

COMPETENCY	ESSENTIAL	DESIRABLE
<b>PERSONAL ATTRIBUTES</b>	<p>Sound knowledge and understanding of local affairs and the local community.</p> <p>Forward thinking.</p>	<p>Can bring a new skill, expertise or key local knowledge to the Council.</p>
<b>EXPERIENCE, SKILLS, KNOWLEDGE &amp; ABILITIES</b>	<p>Ability to listen constructively A good team player.</p> <p>Ability to pick up and run with a variety of projects.</p> <p>Solid interest in local matters.</p> <p>Ability and willingness to represent the Council and their community.</p> <p>Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others' views and accept majority decisions.</p> <p>Ability to communicate succinctly and clearly.</p> <p>Ability and willingness to work closely with other members and to maintain good relationships with all members and staff.</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 undertake induction training and other relevant training.</p>	<p>Experience of working or being a member in a local authority or other public body.</p> <p>Experience of working with voluntary and or local community / interest groups.</p> <p>Basic knowledge of legal issues relating to town and parish Councils or local authorities.</p>
<b>OTHER FACTORS</b>	<p>Ability and willingness to attend meetings of the Council (and other relevant bodies) at any time and events in the evening and at weekends.</p>	

**APPENDIX 2**  
**APPLICATION FOR CO-OPTION TO BURTON OVERY PARISH COUNCIL**

I \_\_\_\_\_ (insert name)

of \_\_\_\_\_ (address)

hereby apply for co-option to Burton Overy Parish Council.

I declare that on the date of application shown below:

- I am at least 18 years old.
- I am a British citizen or an eligible Commonwealth citizen
- I meet at least one of the following four qualifications

**(Please circle whichever is applicable – a b c d )**

a. I am registered as a local government elector for the parish of Burton Overy 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.

Show address / description of land or other premises if different from above: -

.....

c. My main or only place of work during the 12 months prior to the day of this application has been in the parish.

Show address of place of work and, where appropriate, name of employer: -

.....

d. I have lived in the parish or within three miles of it during the whole of the 12 months before the day of this application

Show address in full if different from above

.....

I declare that to the best of my knowledge and belief I am not disqualified (see Page 1 above) 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.

Applicant's signature ..... Date .....

**PERSONAL STATEMENT - APPLICATION FOR CO-OPOTION**

Outline reasons for wishing to be Councillor

Outline of any previous community/voluntary work

Other relevant skills / knowledge you may bring to the Council

I undertake to sign the Declaration of Acceptance of Office as a parish councillor and to complete a Declaration of Interests form.

Signature of Applicant ..... Date .....