

# **BOURTON ON THE WATER CO-OPTION POLICY**

## **1. INTRODUCTION**

- 1.1 There are two circumstances under which the Electoral Officer of Cotswold District Council will notify Bourton on the Water Parish Council that it may, if it so wishes, proceed to fill a casual vacancy by co-option:
- a) when a seat has been left vacant because no eligible candidate stood for election at the full elections for a new council (currently at four-yearly intervals). In this instance the Parish Clerk will be notified of vacancies by CDC and efforts must be made to fill the vacancies by co-option. The Parish Council will be notified and will proceed to Stage 2
  - b) during the life of a council when a seat has fallen vacant (because of a resignation, death or ineligibility). The Parish Clerk will immediately notify the Electoral Officer and the vacancy will be advertised. If the required 10 electors of the ward have not called for a poll (by-election) within the legally specified time period (currently 14 days) following publication of the Notice of Vacancy, the Parish Clerk will be notified by CDC and that the vacancies can be filled by co-option. The Council will be notified and they will decide if they wish to proceed to Stage 2 *within 28 days or wait a period of 6 months before proceeding.*
- 1.2 The Parish Council is not obliged to co-opt to fill any vacancy. Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.
- 1.3 However, it is not desirable that electors in a particular ward be left partially or fully unrepresented for a significant length of time. Neither does it contribute to effective and efficient working of the 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, given that some absence is unavoidable at times.
- 1.4 Councillors elected by co-option are full members of the Council.
- 1.5 To ensure that a fair and transparent process is undertaken this policy sets out the process to be followed by the Parish Council when co-option is under consideration.

## **2. APPLICATION PROCESS TO BE FOLLOWED**

- 2.1 On receipt, of written notification, from the Electoral Officer at CDC, that a casual vacancy may be filled by means of co-option: and on instruction from the Council
- a) The Clerk will announce the vacancy or vacancies to be filled by co-option within 21 days of receipt of the written notification by means of displaying a Notice on the Council Noticeboard, website and social media.
  - b) The co-option Notice will include the closing date for acceptance of requests for consideration (between 14 and 30 days after the date of the display) and the number of vacancies.
  - c) The co-option Notice will also be displayed in other locations if instructed by the Council.

d) The Clerk will advise the council when the Co-option Policy has been instigated, by sending a memorandum to all Councillors.

2.2 Members may point out the vacancies and the process to any qualifying candidate(s).

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

2.4 The Statutory requirements to be co-opted as a Councillor are the same as standing for election to the parish council

- The applicant needs to be proposed and seconded by two residents on the electoral register for the appropriate council ward
- The applicant must meet at least one of the following qualifications:
  1. be on the electoral register anywhere in the parish
  2. lived in or within 3 miles of the parish for the previous 12 months
  3. owns, rents, occupies or otherwise has right of occupation of land in the parish
  4. works in the parish

2.5 Although there is no Statutory Requirement to do so, Applicants for co-option will be asked to:

- a) submit information about themselves, by completing a short application form (a copy of the application form is attached as Appendix 1) together with a *CV and* written summary covering: their reasons for wishing to be a councillor; previous community/council work; any other skills they can bring to the Council, their interests and recent career history, similar to that which they would produce if standing for election.  
and
- b) confirm their eligibility for the position of Councillor within the statutory rules (a copy of the confirmation of eligibility form is attached as Appendix 2) and will be verified by the Clerk.

2.6 Copies of the applicant's application form and written summary will be circulated to all Councillors by the Clerk at least seven days prior to the meeting, when the co-option will be considered. All documents will be treated by the Clerk and all Councillors in accordance with Data protection requirements where they contain personal information

2.7 Candidates will be sent an invitation to an interview process where they can speak about their application. Candidates will be provided with the Code of Conduct, Standing Orders and the Financial Regulations. The Parish Councillors will be able to ask questions and then all applicants will be invited to the next Parish Council meeting where all Parish Councillors will take part in a voting process explained in point 3 of this policy.

2.8 Applicants can withdraw not later than 24 hours prior to the meeting where the co-options are to be considered

### **3 VOTING PROCEDURE**

3.1 At the appropriate business item Councillors will proceed direct to voting.

3.2 Voting will be according to the statutory requirements, in that a successful candidate must receive a majority vote of those present and voting.

- If there are more than two candidates for one vacancy and no one of them at the first count receives a majority over the aggregate votes given to the rest, the candidate with the least number of votes will be removed from consideration and the remainder will then be put to the vote again
- This process will, if necessary, be repeated until a majority is obtained.
- This process will be followed separately for each individual vacancy for which co-option is under consideration
- If no candidate secures an absolute majority of votes cast for an individual vacancy, then that vacancy remains unfilled (eg. 10 Councillors are present and 5 abstain from voting then there is no absolute majority)

3.3 Councillors shall vote by show of hands, or, if at least two members so request, by paper ballot. However, if any member so requires, the Clerk shall record the names of members who voted on any question so as to show whether they voted for, against, or abstained.

3.4 In the case of an equality of votes, the Chairman of the meeting has a second or casting vote.

3.5 The result of the vote will be confirmed at the meeting and the successful candidate will be invited to attend the next Parish Council meeting after signing the declaration of acceptance of office.

### **4. ACCEPTANCE OF OFFICE**

The successful candidate(s) must sign their declaration of acceptance of office before they can act as a councillor. The Register of Interest must be completed within 28 days and the Clerk will forward a copy to the Monitoring Officer.

### **5. REVIEW**

This policy will be reviewed every year (or earlier if required by changes to legislation or additional documentation) and amended as necessary based on good practice or evidence taken forward.

Dated.....30<sup>th</sup> July 2020

Appendix 1

**BOURTON ON THE WATER COUNCIL**  
**Co-option Application Form**

**Contact Details** (Block Capitals please)

**Name** .....

**Address** .....

.....

**Postcode** .....

**Email address** .....

**Home Tel. No.** .....

**Mobile Tel. No** .....

**Are you 18 or over? YES/NO**

**If not resident in Bourton on the Water the address for qualification in Appendix 2 Section 1 Eligibility**

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**NB Please attach a written summary covering your reasons for wishing to be a councillor; previous voluntary / community / council work; any other skills you can bring to the Council; your interests and recent career history.**

**Is there any other information you would like to disclose regarding your application?** (eg if you are related to an employee of the Council / would require assistance during Council meetings with your mobility, hearing or vision)

**Signature** ..... **Date** .....

**Please return your completed form, together with your written summary and the Co-option Eligibility Form to:**

## Appendix 2

### **BOURTON ON THE WATER COUNCIL Co-option Eligibility Form**

1. In order to be eligible for co-option as a parish councillor you must be a British subject, or a citizen of the Commonwealth or the European Union; and be 18 years of age or over on the 'relevant date' (i.e. the day on which you are nominated or if there is a poll the day of the election). You must additionally be able to meet one of the following qualifications:
  - I am registered as a local government elector for the parish of Bourton on the Water; **or**
  - 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 Bourton on the Water; **or**
  - My principal or only place of work during those twelve months has been in the parish of Bourton on the Water; **or**
  - I have during the whole of twelve months resided within 3 miles of the parish of Bourton on the Water.

#### **Please circle which of the above applies to you.**

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 his/her creditors\* (but see below);  
**or**
  - c) has within five years before the day of election, or since his/her 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 (*insert name*) ..... hereby confirm,  
that I am eligible to apply for the vacancy of Bourton on the Water Parish Councillor,  
and the information given on this form is a true and accurate record.

Signed ..... Dated .....

WARD .....

**\*Proposer**

Name.....

Address.....

**\*Secunder**

Name.....

Address.....

***\*(Please note proposers and seconders need to be electors in the ward in which  
you intend to apply for co-option)***