

# **Ovingham Parish Council**

## **Co-option Policy & Procedure**

Adopted 18<sup>th</sup> April 2019

### **1. Introduction**

1.1 Of paramount importance is that all applicants are treated alike so that arrangements are seen as open, fair and transparent. This policy sets out the procedure to be followed by Ovingham Parish Council when co-option is under consideration.

1.2 Whenever the need for co-option arises, Ovingham Parish Council will seek and encourage applications from anyone who is eligible to stand as a Parish Councillor. Councillors and parishioners can legally approach individuals to suggest that they might wish to consider putting their names forward for co-option and encouraging them to register their expression of interest.

1.3 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.

1.4 Any candidate(s) found to be offering inducements of any kind or undue pressure will be disqualified.

1.5 However, it is not desirable that electors of the Parish be left partially or unrepresented for a significant length of time; neither does it contribute to the effective and efficient working of the Parish Council if there are insufficient councillors to share the workload equitably, provide a broad cross-section of skills and interests, or to achieve meeting quorums without difficulty, given that some absence is unavoidable at times. However, this must not be used as an excuse to co-opt and the vacancy will remain an agenda item until filled.

1.6 Councillors elected by co-option are full members of the Parish Council.

### **2. Co-option process**

2.1 In the event of a vacancy occurring due to resignation, death or ineligibility, the Clerk will immediately inform Electoral Service at Northumberland County Council (NCC) who will then supply the requisite notice of Vacancy for posting.

2.2 Should the requisite 10 electors of the Parish not have called for a poll (by-election) within the legally specified time period (currently 14 days) following the publication of the Notice of Vacancy, the Parish Clerk is notified by NCC that the vacancy or vacancies may be filled by co-option. The Parish Council may then decide if they wish to proceed to co-opt within 28 days or wait for a period of up to 6 months before proceeding.

2.3 The Parish Council will place the Notice of Vacancy supplied by Electoral Services at NCC on village notice boards and on the website. The Notice may also be placed at other locations, including electronic, if instructed by the Council.

2.4 On receipt of written notification from Electoral Services at NCC that a casual vacancy/vacancy can be filled by means of co-option and on instruction from the Council, the Clerk will place a notice announcing that the vacancy/vacancies are to be filled by co-option and asking for expressions of interest. The notice will include: -

- A contact point so that people putting their names forward for co-option can obtain more information on the role of a parish councillor;
- Contact details to where expressions of interest should be made (usually the Clerk, via email or hard copy);
- The closing date for all expressions of interest.

### **3. Application process**

- 3.1 When expressions of interest have been received, the Clerk will provide all applicants with the Parish Council's co-option application form and co-option eligibility form for completion and return.
- 3.2 The Clerk will then consider completed forms to check that the individual(s) meet the qualification requirements and confirm that, if successful, they would be willing to accept the Code of Conduct and other obligations of a Parish Councillor.
- 3.3 All candidates may be asked to provide a personal statement. Completed forms and personal statements will be circulated to Parish Councillors at least 7 days prior to a full meeting of the Council where the co-option(s) will be considered. All such documents will be treated by the Clerk and Councillors as strictly private and confidential.
- 3.4 Candidates will be informed of the date of the meeting at which the Parish Council will consider the next steps to take on the co-option(s). Notice of the intention to Co-opt should be given in the agenda for the meeting of the Parish Council.
- 3.5 Candidates will be invited to the meeting as members of the public. Usually, candidates will be invited to an informal interview which will give the Councillors the opportunity to ask questions of them, or the Council may decide to rely on written submissions alone. The Council may only discuss each candidate's suitability for the role when he/she and members of the public are not present.
- 3.6 Only Councillors present at the meeting may vote upon a person or persons to fill the vacancy/vacancies if it is agreed to rely on written submissions alone. Councillors will only have one vote per vacancy to be filled.
- 3.7 If a candidate is a relative of a Councillor or has connections with any candidate which may be perceived as prejudicial, that Councillor should declare an interest and withdraw from the meeting. Under any of these circumstances a vote by the Councillor concerned is not allowed.
- 3.8 The Parish Council will appoint co-opted members by voting according to Standing Orders.
- 3.9 If there are exactly as many as, or fewer candidates than vacancies, the Parish Council may vote on composite motion, duly proposed and seconded, that all candidates be co-opted. If there are more candidates than vacancies, it will be necessary for existing Councillors present at the meeting to vote.
- 3.10 Voting will be by a show of hands, unless a Councillor requests a secret ballot, or the Chair directs that one shall take place.

3.11 If there are more candidates than vacancies, Arnold Baker's *Local Council Administration* recommends that:

- A successful candidate should have received an absolute majority vote of those present and voting. So, if there are more than two candidates for one vacancy and none of them, at the first count, has an overall majority, the candidate with the fewest votes should be eliminated and the remainder put to the vote again. The process shall be repeated as necessary until one candidate has an overall majority.
- Each vacancy should be filled by a separate vote or series of votes. In a small council there is a distinct possibility that there could be a tie for last place in the first round of voting, leaving the candidate for elimination to be decided by lots.
- The Chair has the casting vote.

3.12 After the vote:

- The Clerk will notify the candidates of the results by email as soon as is reasonably possible (usually within 24 hours).
- Successfully co-opted candidates become Councillors in their own right, with immediate effect and are no different to any other member. As such, they must sign the Declaration of Acceptance of Office Form and Registration of Interests Form at their first meeting, or within 28 calendar days of election, whichever is the sooner. The successful candidate(s) will also confirm that they comply with and abide by the Parish Council's Code of Conduct, as they had previously indicated on their Co-Option Application and Co-option Eligibility forms. Should the new Councillor(s) not comply with or breach the Code of Conduct, then the Monitoring Officer at NCC will be advised, who will then deal with the matter.
- The successful candidate(s) term of office runs until the next quadrennial elections for the Parish Council.

### **Notes**

This document is based upon a study of legislation, guidelines and practices of other Local Councils. It is intended as a summary of the most relevant points of procedure and legislation, rather than a definitive exposition.

Unless otherwise specified, period of days given in this document refer to working days in that they exclude weekends and public holidays.

**OVIINGHAM PARISH COUNCIL**

**Co-option Application Form**

**Name:**.....

**Address for correspondence**.....

.....

.....**Postcode**.....

**Tel.**.....**Mobile**.....

**Email**.....

**Are you over 18?                      Yes/No**

**Please detail any experience you have that may be relevant to Ovingham Parish Council (if necessary please continue on separate sheet of paper).**

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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 of paper).**

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**Signed**.....**Dated**.....

**Please return your completed form, together with the Co-option eligibility Form to:**

**Mr Paul Smith, Clerk to Ovingham Parish Council, Westoe, Whickham Highway, Tyne and Wear, NE11 9QH no later than:**

**Ovingham Parish Council**

**Co-option Eligibility Form**

1. In order to be eligible for co-option as an Ovingham Parish Councillor you must be a British subject, or a citizen of the Commonwealth or European Union. You must also be 18 years of age or over on the ‘relevant date’, that being the day on which you are nominated, or if there is a poll, then the day of the election. You must additionally be able to agree with the following qualifications set out below:

**Please circle which of the following four points applies to you**

- a) I am registered as a local government elector for the parish; 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; or
  - c) My principal, or only place of work during those twelve months has been within the parish; or
  - d) I have, during the whole twelve months, resided in the parish or within 3 miles of it.
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 of or employment with the local council (other than the office of Chair) 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 5 years before the date 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 3 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 with 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 annulment and discharge respectively.

In (iii) it ceases on the expiry of 5 years from the date of discharge.

**I (insert name) .....hereby confirm that I am eligible to apply for the vacancy of Ovingham Parish Councillor and that the information given on this form is a true and accurate record.**

**Signed.....Dated.....**