

Kempsford Parish Council – Co-option Policy and Procedure

1. INTRODUCTION

The process for co-option is laid out in the Local Elections (Parishes and Communities Rules 2006) and the Local Government Act 1972.

This policy sets out the circumstances which permit and legislation relating to the co-option of persons to fill the vacancies within the parish council and is based upon a study of legislation (including NALC Legal Briefing L15-08), 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.

2. NOTIFICATION

2.1 There are two circumstances under which the Electoral Officer of Cotswold District Council will notify Kempsford Parish Council that it may 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. In this instance the Parish Clerk would be notified of vacancies by AVDC and that efforts must be made to fill the vacancies by co-option. The Council will be notified and they will decide if they wish to fill the vacancy by giving public notice of such vacancy.
- b) during the life of a council when a seat has fallen vacant (because of a resignation, death or a person ceases to qualify to be a councillor). The Parish Clerk will immediately notify the Electoral Officer and the vacancy will be advertised. If the required 10 electors of the Parish have not called for a poll (by- election) within the legally specified time period following publication of the Notice of Vacancy, the Parish Clerk would be notified by AVDC and that the vacancies can be filled by co-option. The Council will be notified and they must give public notice of the vacancy and intention to co-opt.

2.2 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.

2.3 However, it is not desirable that electors 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.

- 2.4 Councillors elected by co-option are full members of the Council. Kempsford Parish Councillors are volunteers who receive no remuneration or allowances.
- 2.5 To ensure that a fair and transparent process is undertaken this policy sets out the process to be followed by Kempsford Parish Council when co-option is under consideration.

3. APPLICATION PROCESS TO BE FOLLOWED

- 3.1 On receipt, of written notification, from the Electoral Officer at Cotswold District Council that a casual vacancy may be filled by means of co-option and on instruction from the Council:
 - a) The Parish 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 Notice board and website.
 - b) The Co-option Notice will include the closing date 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 Parish Clerk will advise the council when the Co-option process has been instigated by notifying all councillors.
- 3.2 Members may point out the vacancies and the process to any qualifying applicant(s).
- 3.3 Applicants are recommended to read the publication, "The Good Councillor Guide" which explains more about the role and the responsibilities of councillors – copies are available in pdf form on the internet. If you have any questions you are welcome to raise them with the Parish Clerk.
- 3.4 Applications will be considered at the next available full Council meeting. To ensure that applications are included on the agenda they should be sent to the Parish Clerk at least one week before the meeting (earlier if there are bank holidays).

4. PERSON SPECIFICATION

NALC legal briefing suggests a personal specification that identifies attributes that a Parish Council should be looking for when co-opting a councillor.

Kempsford Parish Council welcomes people with a wide range of life skills and experience that reflects the local community. We are looking for councillors who can bring enthusiasm and commitment as well as some of the following:

COMPETENCY DEMONSTRATED BY:

- Experience, Skills, Knowledge and Ability
- Interest in local matters.
- Knowledge and understanding of local affairs and the local community.
- Ability and willingness to represent the Council and their community.

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- Good interpersonal skills.
- Ability to communicate succinctly and clearly.
- Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff.
- Ability and willingness to work with the council's partners (e.g. voluntary groups, other parish councils, principal authority, charities).
- Ability and willingness to undertake relevant training.
- Ability and willingness to attend meetings of the council (or the meetings of other local authorities and local bodies) in the evening and events in the evening and at weekends.
- Flexible and committed to the Council
- Enthusiastic.

- 4.1 The Council will then vote by show of hands on whether it considers that each applicant(s) has/have met the criteria set for that round of co-options. If one or more candidate/s is deemed to have failed, then the Council shall agree a statement as to the criteria that have not been met.
- 4.2 Councillors shall vote by secret ballot. In the case of an equality of votes, the Chairman of the meeting has a second or casting vote.
- 4.3 On successful co-option applicants will be invited to sign a Declaration of Acceptance of Office which completes the process for joining the council. Within 28 days of co-option, applicants are also required to complete a Register of Disclosable Pecuniary Interests which will be provided by the Parish Clerk. Unsuccessful applicants can request that their details be kept on file for up to 6 months should any new vacancies arise.
- 4.4 Applicants found to be offering inducements of any kind, at any stage in the co-option process, will be disqualified.

5. Appendix 1

Kempsford Parish Council Co-option & Eligibility Application Form

Contact Details (Block Capitals please)

Name:

Address:

Postcode:

Email address:

Home Tel. No:

Mobile Tel.No:

Please briefly outline why you are interested in becoming a Parish Councillor

Please tell us something about the life experience you will bring to the Council, for example, previous local government experience, work in the voluntary sector or business experience Please tell us something about the skills you feel you will bring to the Council, for example professional qualifications, financial management expertise, listening and organisational skills Please tell us your availability to serve as a Parish Councillor.

Please add any further information you would like to include to support your application
Please inform us of any other information you would like to disclose regarding your application? (E.g. if you are related to an employee of the Council/ would require assistance during Council meetings with a disability).

Councillor Eligibility

In order to be eligible for co-option as a Kempsford Parish Councillor you must be: A British subject, or a citizen of the Commonwealth or the European Union

18 years of age or over on the 'relevant date' (i.e. the day on which you are co-opted).

You must additionally be able to meet one of the following qualifications, please tick all that apply:

- I am registered as a local government elector for the parish of Kempsford; 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 Kempsford; or
- My principal or only place of work during those twelve months has been in the parish of Kempsford; or
- I have during the whole of the twelve months preceding the date of my co-option resided in the Parish of Kempsford or within 3 miles of it.

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 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 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 Kempsford Parish Councillor, and the information given on this form is a true and accurate record.

Signed Dated

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Please return your completed application form to:
Parish Clerk
Winterwood, Whelford, Fairford, Glos. GL7 4EB

Or email to –
clerk@kempsfordparishcouncil.gov.uk

NOTES

Legislation covering casual vacancies can be found at The Local Elections (Parishes and Communities) (England and Wales) Rules 2006:
<http://www.legislation.gov.uk/uksi/2006/3305/article/5/made?view=plain>