

NEWBOROUGH AND BOROUGH FEN PARISH COUNCIL COUNCILLOR CO-OPTION POLICY

Introduction

This policy sets out the procedure to ensure that there is compliance with legislation and continuity of procedures in the co-option of members to Newborough and Borough Fen Parish Council (NBFPC). The Co-option procedure is entirely managed by NBFPC and this policy will ensure that a fair and equitable process is carried out.

The Parish Council will follow a process which is fair, open and transparent and in compliance with the Equality Act 2010.

According to Section 87 of the Local Government Act 1972 a casual vacancy occurs when: -

- A councillor fails to make his declaration of acceptance of office at the proper time;
- A councillor resigns;
- A councillor dies;
- A councillor becomes disqualified;
- A councillor fails for six (6) months to attend meetings of a council committee or subcommittee or to attend as a representative of the council a meeting of an outside body.

NBFPC has to notify the Peterborough City Council of a Casual Vacancy and then advertise the vacancy and give electors the opportunity to request an election. This occurs when ten electors notify the stating that an election is requested. If more than one candidate is then nominated a by-election will take place, but only if one candidate is put forward, they are duly elected without a ballot

If ten residents do not request a ballot within fourteen days of the vacancy notice being posted, as advertised by the Peterborough City Council, NBFPC is able to Co-opt.

Confirmation of Co-option

On receipt of written confirmation from the Electoral Services Office of the Peterborough City Council, the casual vacancy can be filled by means of Co-option. The parish clerk will:

- Advertise the vacancy for four weeks on the council notice boards and website;
- Advise NBFPC that the Co-option Policy has been instigated.

NBFPC is not obliged to fill any vacancy. Even if the council invites applications for co-option, it is not obliged to select anyone from the candidates that apply.

However, despite this it is not desirable that electors be left underrepresented 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.

Councillors elected by co-option are full members of NBFPC.

Eligibility of Candidates

NBFPC is able to consider any person to fill a vacancy provided that the applicant: -

- is over 18 years of age.
- Is a UK, EU or Commonwealth citizen
- is an elector of the parish; or
- has resided in the Parish in the past twelve months or rented/tenanted land or other premises in the Parish or had their principal place of work in the parish; or
has lived within three miles (direct) of the parish for the whole of the 12 months preceding the relevant date.

There are certain disqualifications for election, of which the main are:

- Holding a paid office under the Parish Council;
- Bankruptcy;
- Having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months without the option of a fine during the five years preceding the election; and

- Being disqualified under any enactment relating to corrupt or illegal practices.

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

Applications

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

Although there is no Statutory Requirement to do so candidates will be requested to:

- Submit information about themselves by way of completing a short application form (Appendix A)
- Confirm their eligibility for the position of Councillor within the statutory rules (Appendix B)

Following receipt of applications, the next suitable council meeting will have an agenda item 'To receive written applications for the office of Parish Councillor and to Co-opt a candidate to fill the existing vacancy'. Copies of the application will be circulated to all Councillors by the Clerk at least three clear days before the meeting of the full Council when the Co-option will be considered. All such documents will be treated as strictly confidential by the Clerk and Councillors.

Candidates will be sent a full agenda of the meeting at which they are to be considered for appointment together with a copy of the Code of Conduct, Standing Orders and Financial Regulations of NBFPC. Candidates will also be informed that they will be invited to speak about their application at the meeting.

At the Co-Option Meeting

At the Co-Option meeting candidates will be given five minutes maximum to introduce themselves to members, give information on their background and experience and explain why they wish to become a member of NBFPC. The process will be carried out by adjourning the meeting to allow the candidate to speak.

As soon as all candidates have finished giving their submissions the Council will proceed to vote on the acceptability of each candidate.

In each round of voting Councillors will be provided with ballot papers and have one vote each, by way of confidential ballot.

Voting will be according to the statutory requirement in that a successful candidate must have received an absolute majority vote of those present and voting. If there are more than two candidates for one vacancy and no one of them receives an absolute majority over the aggregate votes given to the rest, steps must be taken to 'strike off' the candidate with the least number of votes and the remainder must then be put to the vote again. For example: if Candidate A receives four votes and Candidates B and C receive two each, Candidate A is not elected as he has the same number of votes as B and C together. In such a case it is necessary to conduct a ballot between the tied candidates to eliminate one of them. In the case of a tie at such a point the Chairman would have a casting vote.

This process must, if necessary, be repeated until an absolute majority is obtained.

Ballot papers will be collected by the Clerk who will then count and record the votes using the Verification and Count Sheet.

Co-opted candidates become Councillors in their own right, with immediate effect, upon signing the Declaration of Acceptance of Office, they may take their seat at Council and have the same status and obligations as existing Councillors. Formal training should be undertaken within 6 weeks of joining the Council

Adopted by Full Council:

To be reviewed:

APPENDIX A

Application for Co-option

Thank you for your interest in becoming a Parish Councillor. Please provide the below information to assist the council in making their decision.

Full name & Title	
Home Address	
Home Telephone	
Mobile Telephone	
Email Address	

About You Please provide the council with some background information about yourself.

Reasons for Applying Please provide the council with your reasons for wanting to become a Parish Councillor.

Signature	
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APPENDIX B

Co-option Eligibility Form

1. In order to be eligible for co-option as a Newborough and Borough Fen Parish Councillor you must be a British subject, or a citizen of the Commonwealth or the European Union; and on the 'relevant date' (i.e., the day on which you are nominated or if there is a poll, the day of the election) 18 years of age or over; and additionally, able to meet one of the following qualifications set out below. Please tick which 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 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 within the Parish Council 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 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.

Declaration

I,hereby confirm that I am eligible for the vacancy of Newborough and Borough Fen Parish Councillor, and the information given on this form is true and accurate record.

Signature.....

APPENDIX C

CO-OPTED COUNCILLOR PERSON SPECIFICATION

COMPETENCY	ESSENTIAL	DESIRABLE
Personal Attributes	<p>Sound knowledge and understanding of local affairs and the local community</p> <p>Forward thinking</p>	Can bring a new skill, expertise or key local knowledge to the Council
Experience, Skills, Knowledge and Ability	<p>Ability to listen constructively</p> <p>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>Be able to respect confidentiality of certain information and refer to the Clerk if in doubt</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 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> <p>Experience of delivering presentations</p>
Circumstances	<p>Ability and willingness to attend meetings of the Council (or meetings of other local authorities and local bodies) at any time and events in the evening and at weekends</p>	

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Newborough and Borough Fen Parish Council is duty bound to treat this information as strictly confidential

Please return your completed application to the Clerk to the council. Your application will be considered at the next available Council meeting where a vote will be held to decide whether the Council agrees to co-opt you onto Newborough and Borough Fen Parish Council Parish Council.

Data Protection Act: The information provided on this application will remain private and confidential and will only be used for the purpose intended.

