

# Bulkington Parish Council Co-option Policy

---

## 1. Introduction

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Bulkington Parish Council. The Co-option procedure will ensure that a fair and equitable process is carried out.

## 2. Co-option

The Co-option of a Parish Councillor occurs when a casual vacancy has arisen on the Council and no poll (by-election) has been called. 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; or
- 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.

The Clerk must notify Returning Officer at Wiltshire County Council of a Casual Vacancy. The County Council then sends the Clerk a notice to display on-line and the on the parish noticeboards to give electors the opportunity to request a by-election. This occurs when ten+ electors write to the Returning Officer at the County Council stating that an election is requested.

If a by-election is called, a polling station will be set up by the County Council within the next 60 working days and the people of the parish will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. The County Council will pass all associated costs of the by-election onto the parish council to pay. The people of the parish have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the district council electoral officer will advise the clerk of the closing date.

If more than one candidate is then nominated a by-election takes place, but if only 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, the County Council Returning Officer will notify the Clerk that the Parish Council is now free to co-opt a volunteer.

## 3. Confirmation of Co-option

On receipt, of written confirmation from the Returning Officer, the casual vacancy can be filled by means of Co-option, the Clerk will:

- Advertise the vacancy for four weeks on the parish notice boards, the internet and any local newsletters, magazines and newspapers.
- Advise that the Co-option Policy has been instigated

NALC recommends that local councils always give public notice of vacancies because this makes the process of co-option open and transparent and should attract more potential candidates.

**Bulkington Parish Council 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 who apply.**

However, it is not desirable that electors in a particular parish be left partially or full underrepresented for some

significant lengths 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 the achieve meeting quorums without difficulty.

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

## 4. Eligibility of Candidates

Once is satisfied that a candidate is eligible to be co-opted onto a council, NALC recommends that a local council should employ a fair and transparent process to assess the suitability of a proposed candidate who wishes to be co-opted. A local council should assess if a

proposed candidate has the skills expected and or has any additional expertise or areas of interest which will assist the council exercise their various functions.

The Parish Council is able to consider any person to fill a vacancy provided that:

- You are a British, EU or Commonwealth Citizen
- You are at least 18 years old
- You are currently a registered elector for the parish of Bulkington; or
- You have resided in the parish for the past twelve months or currently rent/tenant land or other premises in the parish; or
- Your principal place of work is within in the parish; or
- You live within three miles (direct) of the parish.

There are certain disqualifications for election, of which the main are (see 5. 80 of the Local Government Act 1972):

- You are employed by the parish council; or employed by an entity under the control of the parish council such as one of its contractors
- You have been declared bankrupt
- You are subject to a debt relief order
- You have been sentenced to a term of imprisonment (whether suspended or not) of three+ months, without the option of a fine during the five years preceding the election; or
- You are disqualified under any enactment relating to corrupt or illegal practices, under the Representation of the People Act 1983 including offences relating to donations.

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

## **5. 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).

The application shall be posted or emailed to the Clerk. Following receipt of applications, the Clerk shall arrange at the next suitable council meeting for 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 candidate's applications will be circulated to **all** Councillors by the Clerk at least 3 clear days prior to the meeting of the full Council, when the Co-option will be considered. All such documents will be treated by the Clerk and **all** Councillors as 'Strictly Private and Confidential'.

All applicants will be sent copy of the following documents:

- A full agenda of the meeting at which they are to be considered for appointment.
- A copy of the Code of Conduct,
- A Copy of NALC's Good Councillor's Guide
- A Copy of the Parish Council's Standing Orders and Financial Regulations.

Candidates will also be informed that they will be invited to speak about their application at the meeting.

## **6. At the Co-option Meeting**

At the Council meeting considering the co-option, the chairperson will adjourn the meeting to allow each candidate to speak. Applicants will be given five minutes' (each) maximum to introduce themselves to the Members, give information on their background/experience and explain why they wish to become a Member the Parish Council.

Once each candidate has spoken, the chairperson shall resume the meeting and **ask the candidates and resolve to exclude the members of the public and press from the meeting space, so that the Council can discuss the merits of each applicant and their personal attributes.** The Clerk shall remain to take minutes and advise on any legal matters.

The council will then proceed to a vote on the acceptability of each candidate utilising the 'person specification' criteria set out in Appendix C as a guide and any personal statements provided by candidates. This will be done by each candidate in turn by a vote of show of hands. The vote will be recorded to show whether each Councillor present and voting gave their vote for or against that candidate being co-opted. (Councillor's from the same household of any candidate are not excluded from the right vote).

For a candidate to be co-opted to Bulkington Parish Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting).

If there are more than two candidates and there is no candidate with an overall majority in the first round of voting the candidate with the least number of votes will drop out of the process.

Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority. In the case of an equality of votes, the Chairperson of the meeting has a second casting vote.

However, if the Council has declared that none of the applicants are suitable, the Council does not have to appoint them and will re-advertise the vacancy for fresh candidates repeating the procedure.

**After the votes has been concluded the decision made. The Chairperson will allow each candidate to re-enter the room in turn, but the members of the press and public are still excluded.** This is to allow the Council to either decline the applicant or offer to co-opt the candidate to the Council. Once each candidate has been seen. **The Chairperson will re-admit the members of the press and public.** The chairperson will declare the successful candidate(s) duly elected and after the clerk has arranged for the successful candidate (s) to sign their declaration of acceptance of office, may take their seat immediately.

The Clerk will notify Returning Office at the District Council of the new Councillor appointment. The successful candidate(s) must complete the 'registration of interests' within 28 days of being elected. The clerk will pass this to the new member(s) to complete. The form must then be handed to the Clerk for forwarding to the Monitoring Officer at the County Council.

If insufficient candidates came forward for co-option, or the Council deemed candidates were not suitable, the process should continue, whereby the vacancies are again advertised.

**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.

<b>Full Name &amp; Title</b>	
<b>Home Address</b>	
<b>Home Telephone</b>	
<b>Mobile Telephone</b>	
<b>Email Address</b>	
<b>About You</b>	
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.

Your application also requires signatures of 2 registered electors, who are **not** related to you, (known as a proposer and seconder) from within the Bulkington Parish area:

	Proposer	Seconder
<b>Name</b>		
<b>Address</b>		
<b>Signature</b>		

Please return your completed application to the Clerk to the council. Your application will be considered at the next available Parish Council meeting, where a vote will be held to decide whether the council agrees to co-opt you in to Bulkington Parish Council.

**Data Protection Act: The information provided on this application will remain private and Confidential.**

**APPENDIX B**

**Co-option Eligibility Form**

<p>In order to be eligible for co-option as a Bulkington 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.</p> <p>Please tick which apply to you;</p>		
1. I am registered as a local government elector for the parish; or		
2. 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		
3. My principal or only place of work during those twelve months has been in the parish; or		
4. I have during the whole of twelve months resided in the parish or within 3 miles of it		
<p><b>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:</b></p>		
1. Holds any <b>paid</b> office or employment of the local council (other than the office of Chairperson) or of joint committee on which the Council is represented; or		
2. Is a person who has been adjudged bankrupt or has made a composition or arrangement with their creditors (but see below); or		
3. Has within five years before the day of election, or since t 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		
4. Is otherwise disqualified under Part III of the representation of the People Act 1983 for corrupt or illegal practices.		
<p><b>This disqualification for bankruptcy ceases in the following circumstances:</b></p>		
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		
<p>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.</p>		
<p><b>I agree to comply with the Basic DBS check request and provide the Clerk with the required forms of ID requested</b></p>		
<p><b>DECLARATION</b></p>		
<p>I.....hereby confirm that I am eligible for the vacancy of Bulkington Parish Councillor, and the information given on this form is true and accurate record.</p>		
<p>Signature.....Date: .....</p>		

Bulkington Parish Council is duty bound to treat this information as strictly confidential

## APPENDIX C

### CO-OPTED COUNCILLOR PERSON SPECIFICATION

COMPETENCY	ESSENTIAL	DESIRABLE
<b>Personal Attributes</b>	<ul style="list-style-type: none"> <li>• Sound knowledge and understanding of local affairs and the local community.</li> <li>• Forward Thinking</li> </ul>	<ul style="list-style-type: none"> <li>• Can bring a new skill, expertise or key local knowledge to the Council.</li> </ul>
<b>Experience, Skills, Knowledge and Ability</b>	<ul style="list-style-type: none"> <li>• Ability to listen constructively</li> <li>• Good interpersonal skills and able to contribute opinions at meetings whilst willing to see others views and accept majority decisions.</li> <li>• Ability to communicate succinctly and clearly, including by email.</li> <li>• Ability to remain calm and professional in a heated debate.</li> <li>• A good team player</li> <li>• Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff.</li> <li>• Be enthusiastic</li> <li>• Ability to pick up and run with a variety of local projects</li> <li>• A Solid Interest in local matters</li> <li>• Ability and willingness to represent the Council and their community</li> <li>• Ability and willingness to work with the Council's partners (e.g. voluntary groups, other parish Councils, principal authority, charities).</li> <li>• Ability and willingness to undertake induction training and other relevant training.</li> <li>• Good Standard of Computer literacy, digital solutions and social media.</li> </ul>	<ul style="list-style-type: none"> <li>• Experience of working or being a member in a local authority or other public body</li> <li>• Experience of working with voluntary and or local community / interest groups</li> <li>• Basic knowledge of legal issues relating to town and parish Councils or local authorities</li> <li>• Experience of delivering presentations</li> </ul>
<b>Circumstances</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Flexible and committed to the Council and its staff</li> </ul>	

This document was adopted by the Bulkington Parish Council at its Meeting held on **19<sup>th</sup> August 2020** Reviewed annually, next review date August 2021.